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INLAND  
FISH AND GAME LAWS.

1901 REVISION.

BY

L. T. CARLETON.

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1900

1901 EDITION

OF THE

INLAND

# Fish and Game Laws

OF THE

STATE OF MAINE.

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Contains all the Fish and Game Laws.

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Compiled and fully explained, with copious extracts from decisions of the courts and references to Fish and Game Laws in general, with forms for complaints and petitions, by

**L. T. CARLETON,**

Counsellor at Law and Chairman of the Commissioners of Inland Fisheries and Game for the State of Maine.  
Author of "Carleton's Digest" and "Carleton's Pathfinder."

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Carleton's Digest?

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Yours truly,

L. T. CARLETON,

Chairman.

### DEDICATION.

To the Honorable Henry O. Stanley, of Dixfield, and the Honorable Charles E. Oak, of Caribou, Commissioners of Inland Fisheries and Game, my associates and co-workers, I respectfully dedicate this little book.

## PREFACE.

The publication of the bare text of the fish and game laws has never been entirely satisfactory.

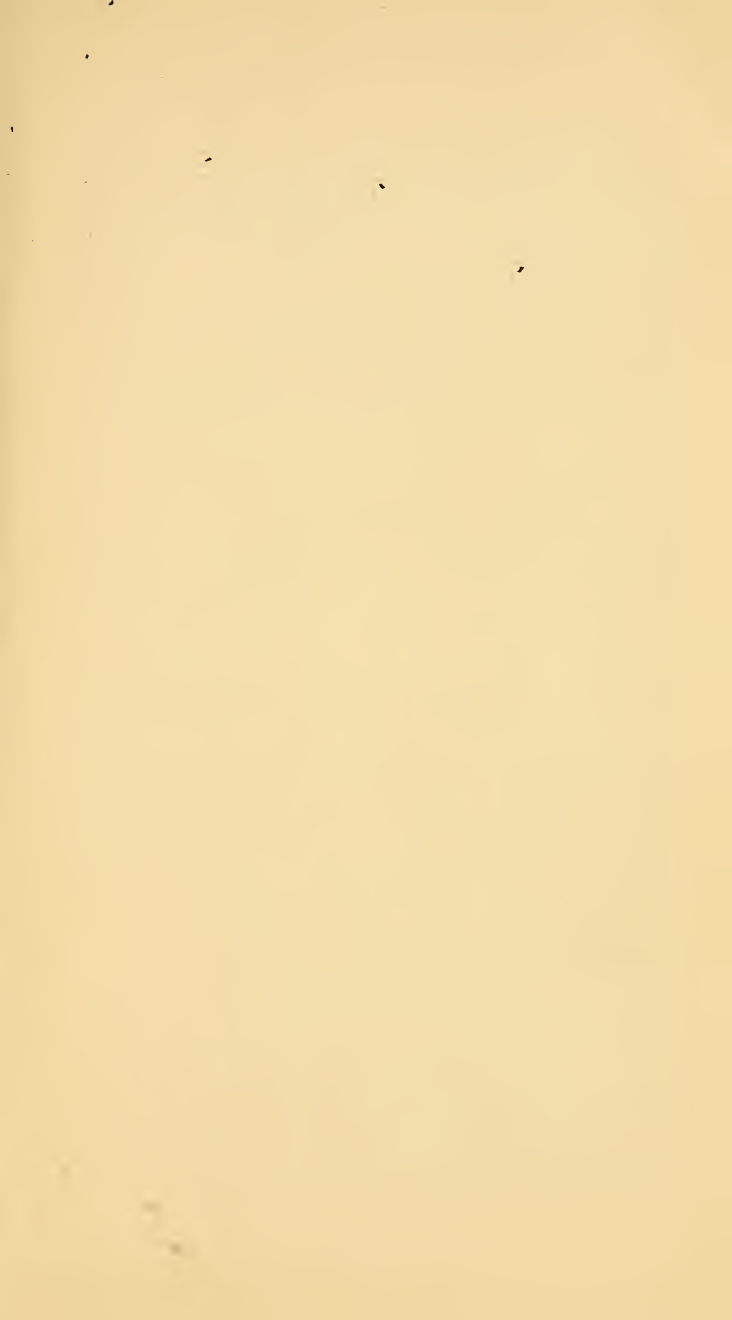
No matter how plain the law may be to those who make it a constant study, or to those who wrote it, many disputed points arise and the office of the Commissioners is flooded with letters of inquiry as to the meaning of this or that section of the law, not only from wardens, trial justices, guides and sportsmen but from lawyers as well. The people seem to want to know how the Commissioners construe or understand the fish and game laws. To meet this want I have in these pages given my understanding or interpretation of that portion of the fish and game laws that I have had inquiries about, with copious quotations from the decisions of the Courts of last resort, and approved text-writers.

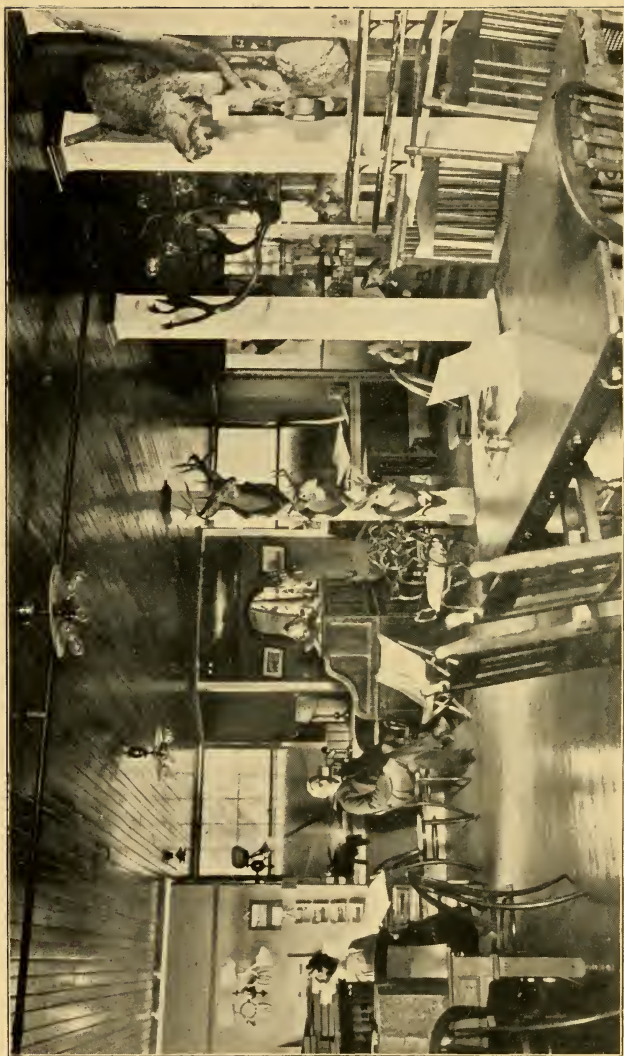
The favor with which my first or "1899 edition" was received leads me to hope that this edition will find favor with the public.

All of the Inland Fish and Game laws, whether public or Private and Special, and all rules and regulations of the Commissioners now in force, are contained in this book. But 500 copies are printed and entirely at my own expense.

Augusta, Maine, May 1st, 1901.







STATE MUSEUM AND OFFICE OF COMMISSIONERS.

THE 1901 EDITION OF THE INLAND FISH  
AND GAME LAWS OF THE STATE OF  
MAINE.

“And God said, ‘Let the waters bring forth abundantly \* \* \* and fowl that may fly above the earth in the open firmament of heaven.’ And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind; and God blessed them saying, ‘Be fruitful and multiply and fill the waters in the seas, and let fowl multiply in the earth.’ And the evening and the morning were the fifth day.”

“And God said, ‘Let the earth bring forth the living creature after his kind \* \* \* and the beast of the earth after his kind’ \* \* \* and God saw that it was good. And God said, ‘Let us make man in our image \* \* \* and let them have dominion over the fish of the sea and over the fowl of the air.’” Genesis, Chapter 1, 20 to 27th verses.

I am permitted to quote from Mr. Whithead, in “Hunting in Many Lands,” published by the Forest and Stream Publishing Company.

“After the fall ‘thorns and thistles’ came forth, and man ceased from eating herbs bearing seeds and fruit and turned his hand to killing and eating flesh, even as Nimrod the mighty hunter before the Lord.”

“Laws for the protection of wild animals are a product of civilization. The more civilized a state, the broader and more humane will be these laws.

“Savages are ruthless and wasteful in their destruction of animal life. As civilization advanced customs grew up, and then laws were enacted comporting with the degree of education of the law makers. Anciently but few animals were protected for the use of the rulers.

The Normans passed laws for the protection of deer, wolves and the wild boar.

"The Saxons, like the Romans, guarded their forest preserves but left the open country free for chase to all the people.

"After the conquest the new Norman rulers applied their own stern and selfish laws all over England. Not only was the chase forbidden, but the bearing of arms used in the chase as well, and the conquerors thus preserved the game for their own use, and also kept in subjection the unarmed people.

"Their punishments were barbarous, and comprised maiming and death, and the killing of a deer or wild boar was punished with putting out the eyes or death. No greater penalty was inflicted for the killing of a man.

"The underlying principle maintained was that all wild game was the property of no one, and that to which no one had title belonged to the sovereign. So the King held all lands not apportioned and granted permission to his chiefs to hunt therein \* \* \*

"The fascination of the chase, indulged in for years, became so inwrought in the English mind that it formed the principal recreation of the people, shared in alike by nobles, princes, priests and pheasants, evoking a world of romance and legend in Robin Hood tales, and a sturdy, semi-warlike pride.

"The exercise formed a school of stalwart, out-of-door men, whose descendants of like taste have invaded the remotest isles of the sea, and girdled the earth with the colonies of England.

"This taste made its fair mark on English verse from the early date of Chevy Chase, when

"To chase the deer with hawk and hound  
Earl Percy took his way,"

down to recent date, when Conan Doyle's archer sings:

"So we'll drink all together  
To the grey goose feather,  
And the land where the grey goose flew."



COL. E. C. FARRINGTON,  
Secretary Maine Sportsmen's Fish and Game Association.



"The pomp and dignity of the chase, its pursuit by the highest clergy, and the sad result of want of skill by an Archbishop, are quaintly disclosed in the trial of the Archbishop of Canterbury for accidentally killing a game keeper instead of a deer in the forests, of Broms-hill, in the year 1621, as reported at length in Vol. 11 of Corbetts State Trials.

"The right of the crown to all wild game, thus claimed and established in England, became part of the common law, and was inherited by the American colonies; and thus wild game in our Republic became the property of the people, and the duty of its care and protection fell upon the different states of the republic, and in the territories upon Congress.

"The great distinction to be ever borne in mind between the game laws of Europe and those in America is that the former were passed for the protection of game for a class, while the laws of a republic are passed for the preservation of game for the use of all the people.

"The former encountered the hostility of all the people save the aristocracy; the latter should obtain the approbation of all the people, rich and poor, for they are passed and maintained for the good of the people at large.

"Yet too often too many complain of the injustice of our laws, which prevent them from fishing when and where they please.

"The earliest recorded game law is found in the 22nd chapter of Deuteronomy, enacted by Moses, and never repealed, where it is forbidden to take a bird from her nest.

"The earliest law in America was the Act of the Assembly of Virginia of 1699, where a close time on deer was made from January to July. Penalty for illegal killing 500 pounds of tobacco.

"In 1730 Maryland passed an Act on the same subject, which recites the evils of constant shooting, "which evil practice. if not put a stop to, may in a few years entirely

destroy the species of deer, to the great damage of the good people of this Province," and a close time on deer was established from January to September. Penalty 400 pounds of tobacco.

"South Carolina followed in 1769 with an Act prohibiting the killing of deer during the same time, under a penalty of 40 shilling, proclamation money.

"Both of these Acts prohibited night hunting with fire light, or as we call it now in Maine, "jack-lights, or jacking of deer."

"The earliest game law in Kentucky was passed in 1775, the Legislature holding its session under the greenwood trees, and their author was Daniel Boone.

The earliest law in New York was 1791, and it protected "heath hen, partridge, quail or woodcock."

Laws thereafter multiplied in many of the colonies and states. Maine was one of the last to be aroused to the necessity of these laws, though having more big game and fish and more natural facilities for them than almost any other state.

Two essential features of the game laws have been insisted upon with all law makers, viz: "making the possession of game during close season, or having more in possession than allowed by law in open season THE OFFENSE, and not PRIMA FACIE evidence of illegal killing, and restricting marketing of game, fish and birds."

"The bidding for game by wealthy cities is the incentive to unlawful killing, and the closing of the markets stops the poachers' business more thoroughly than the conviction of a poacher.

"All sorts of devices and claims have always been resorted to to break down the laws enacted to prevent poaching."

The transportation laws have been especially attacked, and it has been strongly hinted that laws preventing shipment or possession of game legally killed were unconstitutional, and also those authorizing seizure in



transit, would unlawfully interfere with inter-state commerce, and were, therefore, unconstitutional.

The case of *State vs. Bucknam*, 88 Me., 385, decided a few years ago, is relied upon to sustain this contention, the gist of that decision being "that notwithstanding the law prevented in terms a person from transporting or having in possession more than two deer in one open season, yet if the deer were lawfully killed a person could have or transport any number."

This is in contravention of the authorities at the present time; moreover our statute has been changed since that decision.

The U. S. Supreme Court since that decision has decided what is the law of the land in the celebrated case of *Geer vs. Connecticut*, 161 U. S. Reports, page 519.

The mischievous and alarming consequences to our game, if marketing and transportation is permissible, are thoroughly exposed in this decision of the U. S. Supreme Court. Whatever decisions or dicta there may have been to the contrary in the past it is now the law in this State THAT THE HAVING IN POSSESSION GAME IN CLOSE SEASON, OR HAVING IN POSSESSION MORE THAN ALLOWED BY LAW IN OPEN SEASON CONSTITUTES THE OFFENSE, and not merely PRIMA FACIE evidence of illegal killing which may be rebutted. Chap. 42, Public Laws, 1899, Sec. 18, as amended by Public Laws 1901, Chap. 222, Sec. 2.

The forms of defense which offenders deem it righteous to make to game prosecutions are without number, and are as fraudulent as their trade is wasteful.

One instance will illustrate: A very large cow moose was killed; after a great deal of trouble and expense the culprit was arrested, he confessed to the killing but claimed he did it in self defense.

"When we reflect how many and valuable races of animals in North America have become extinct or nearly so, as the buffalo; how many varieties of birds

that afforded us food, or brightened the autumn sky with their migrations, have been annihilated like the pigeon, the necessity of these laws appears urgent.

It is the marketing of dead game that excites the killing. It is the market hunter that has destroyed all feathered life on our prairies; it is the market hunter who nearly exterminated moose and deer in our State, and the cold storage process has enabled him to transport it to other states or countries. Close the markets and the killing ceases."

From the earliest traditions the right to reduce animals, *ferae naturae*, (wild by nature), to possession has been subject to the law making power. United States Supreme Court, 161 U. S. Reports, 522.

The human race having multiplied, men partitioned among themselves the earth and the greater part of those things which were on its surface. That which fell to each one among them commenced to belong to him in private ownership, and this process is the origin of the right of property. Some things did not enter into this division, as the air, the water which runs in the streams, and the sea and its shores, and great ponds, wild animals, birds and fish.

"A state has the constitutional right to regulate the killing of game, birds and fish within its borders, and confine their use to the limits of the state, and forbid its transmission outside of the state." Decision United States Supreme Court, 161 U. S. Reports, page 519.

It is lawful under the Constitution for a state to allow the killing of birds within the state, during a designated open season, to allow such birds when so killed to be used within the state, and yet to forbid their transportation beyond the state.

"There are things which belong to no one, and the use of which is common to all. Police regulations direct the manner in which they may be enjoyed. Hunting and fishing is also regulated by Special Laws." Provisions of the Napoleon code, quoted and endorsed by the U. S. Supreme Court, 161 U. S. R., 526.

"This attribute of government to control the taking of wild animals was recognized and enforced by the common law of England, and was vested in the colonial governments. The power which the colonies thus possessed passed to the states, with the separation from the mother country, and remains in them to the present day." *Ibid.*

The state has jurisdiction to regulate and control the fisheries in the waters of the state, both tidal and interior waters. The right to fish in its waters is not a privilege of the citizens in the several states; granting to citizens of this state the right to fish for and take fish in a manner and for a purpose not given to citizens of another state is not unconstitutional. 84 Me., p. 444.

#### COLONIAL ORDINANCE, 1641.

The Massachusetts Bay Colonial Ordinance of 1641, as amended in 1647, which is an early declaration of common rights and liberties, declared among other things as follows:

"And for great ponds lying in common, though within the bounds of some town, it shall be free for any man to fish and fowl there, and may pass and repass on foot through any man's property for that end, so that they trespass not upon any man's corn or meadow."

Massachusetts Colonial Ordinance 1641-1647 is the common law of the whole state. *Barrows v. McDermott*, 73 Me., 441.

#### A GREAT POND.

A "great pond" is a pond containing more than 10 acres. *Auburn v. Water Power Co.*, 90 Me., 576. State owns them, 86 Me. 319.

One may go to great ponds on foot through uninclosed woodlands, but may not cross tillage or mowing land. *Barrows v. McDermott*, 73 Me., 441.

"The wild game within a state belongs to the people in their collective, sovereign capacity. It is not the sub-

ject of private ownership except so far as the people may elect to make it so; and they may, if they see fit, absolutely prohibit the taking of it, or traffic or commerce in it, if it is deemed necessary for the protection or preservation of the public good. We take it to be the correct doctrine in this country that the ownership of wild animals, so far as they are capable of ownership, is in the state. So far as we are aware, it has never been judicially denied that the government under its police powers may make regulations for the preservation of game and fish, restricting their taking to certain seasons of the year. \* \* \* The right to preserve game flows from the undoubted existence in the state of a police power to that end, which may be none the less efficiently called into play, because by so doing interstate commerce may be remotely effected." *Geer v. Connecticut*, 161 U. S. R., 519.

The history of legislation designed to protect fish and game in this state dates from the year A. D., 1830.

In 1869 the fishery and game laws were thoroughly revised.

In 1899 the author devoted much time to codifying and classifying into one chapter all the inland fish and game laws, both public and private. The Legislature of that year passed it unanimously in both branches. That chapter is No. 42 of the Public Laws of 1899.

The Legislature of 1901 made no radical changes except to repeal the "September law," so called. Various clerical errors and inadvertent omissions have been corrected in that chapter, and the meaning of obscure sections or phrases made clear, so that now we have a code of fish and game laws universally acknowledged to be the best and most complete in the country, and other states and other countries that have fish and game to protect are rapidly copying our laws.

The references at the beginning of sections are to chapter 42 of the public laws of 1899, unless otherwise specified.

THE INLAND, FISH AND GAME LAWS OF  
MAINE.

SIX YEARS' CLOSE TIME ON CARIBOU. 1899,  
CHAPTER 42.

Sec. 19. It is unlawful to hunt, chase, catch, kill or have in possession any caribou, or part thereof, before October 15, A. D. 1905. Penalty same as on moose.

(Note). When firm had three caribou each partner held liable. *Allen vs. Leighton*, 87 Me., 206.

CLOSE TIME AND PROTECTION OF MOOSE,  
AS AMENDED BY CHAPTER 222, PUBLIC  
LAWS OF 1901.

No person shall at any time hunt, catch, kill, destroy or have in possession any cow or calf moose; and the term "calf moose," as herein used, shall be construed to mean that these animals are calves until they are at least one year old, and have at least two prongs or tines to their horns. No person shall, between the first day of December and the fifteenth day of October, in any manner, hunt, take, catch, or kill or have in possession any bull moose or part thereof, and no person shall, between October fifteenth and December first, take, catch, kill, or have in possession more than one bull moose or part thereof.

(Note) (All the change that was made in the moose law by the last Legislature was in relation to having in possession any bull moose or part thereof in close time).

CLOSE TIME AND PROTECTION OF DEER, AS  
AMENDED BY CHAPTER 222, SECTION 2, OF  
PUBLIC LAWS OF 1901.

No person shall, except as hereinafter provided, in any manner, hunt, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, any deer, or part thereof, between

December fifteenth and October first next following; no person shall between October first and December fifteenth next following, except as hereinafter provided, take, catch, kill or have in possession for any purpose or whenever or wherever taken, caught or killed, more than two deer or parts thereof; a person lawfully killing a deer in open season shall have a reasonable time in which to transport the same to his home and may have the same in possession at his home in close season.

Note. (This is a radical change from the old law, so far as HAVING DEER in possession is concerned. Not more than two deer can be had in possession for any purpose, no matter where or when taken, and a person who has shot a deer lawfully in open season shall have a reasonable time to get it home in close season, and may have it in possession in close season at his home).

THE SEPTEMBER LAW, so called, was entirely repealed by chapter 278, public laws of 1901, so that it is impossible to legally kill a deer for any purpose during this month.

THE BOUNTY ON WILD CATS was repealed by chapter 207, public laws of 1901.

THE BOUNTY ON WOLVES, of five dollars, remains. Ch. 42, sec. 16, P. L. '99.

PENALTIES. For illegally hunting, chasing, catching, killing or having in possession moose, caribou or deer, section 20, chap. 42, public laws of 1899, as amended by ch. 222, sec. 8, P. L. 1901.

Whoever shall violate any of the provisions of section seventeen of this chapter, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or by imprisonment not exceeding four months; whoever shall violate any of the provisions of section eighteen of this chapter, shall be punished by a fine of forty dollars and costs for each deer taken, caught, killed or had in possession in violation





DEER AS KILLED BY DOGS. PHOTOGRAPHED AS THEY LAY IN THE WOODS.



of the provisions of section eighteen of said chapter; whoever shall violate any of the provisions of section nineteen of this chapter relating to deer, shall be punished by a fine of forty dollars and costs; and whoever shall violate any of the provisions of section nineteen of this chapter, relating to moose or caribou, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment not exceeding four months.

USE OF DOGS PROHIBITED. CHAPTER 42,  
SECTION 19, PUBLIC LAWS 1899.

No person shall at any time, in any manner, hunt, catch, take, kill, or destroy, with dogs, jack lights, artificial lights, snares, or traps, any moose, deer or caribou. (Penalty as found in section 20 above).

Section 22, chapter 42, P. L. 1899, as amended by chapter 222, sec. 3, P. L. 1901.

Any person may, at any time, lawfully kill any dog which hunts or chases a moose, caribou, or deer, or any dog kept or used for that purpose.

Any person owning or having in his possession any dog for the purpose of hunting or chasing moose, caribou, or deer, shall be punished by a fine of one hundred dollars and costs of prosecution for each offense.

(Note). The question often arises, is a person liable whose dog, of his own volition, leaves the house of his master and chases deer? Anybody can lawfully kill the dog, under these circumstances. The owner or keeper would not be liable if he knew nothing about it, but if he was informed that his dog was in the habit of chasing this game, and does not confine him, and the dog, after his owner has this knowledge, again chases game, he would be liable. Owners of dogs should keep them within their immediate control, at their peril, the same as he does his horses, his cattle and his hogs. Dogs are not domestic animals. *State v. Harriman*, 75 Me., 562. One cannot be convicted for stealing under R. S., ch. 127, sec. 1. *State vs. Harriman*, 75 Me., 562.

SUNDAY IS A CLOSE TIME. SEC. 22 OF CH. 42,  
P. L., 1899, AS AMENDED BY SEC. 3, CHAP. 222,  
P. L., 1901.

Sunday is a close time, on which it is not lawful to hunt, kill, or destroy game or birds of any kind, under the penalties imposed therefor during other close time, but the penalties already imposed for the violation of the Sunday laws by the statutes of this state are not hereby repealed or diminished.

(Note). Sunday is not a close time on fishing, in the same sense as on hunting. The only law to prevent fishing on Sunday, during the open season, is the old Sunday law, so called, and is as follows: "Whoever on the Lord's day keeps open his shop \* \* \* or place of business \* \* \* travels or does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation \* \* \* shall be punished by a fine not exceeding \$10." R. S., ch. 124, sec. 20.

This statute also provides "that a person conscientiously believing that the seventh day of the week ought to be observed as the Sabbath, and actually keeps Saturday as Sunday, is not liable to the above penalty if he does not disturb others by his work." But this will not give him the right to hunt game or birds or fish on Sunday, though he refrain from doing it on Saturday.

#### BEWARE OF SHOOTING BEFORE YOU KNOW WHAT YOU ARE SHOOTING AT.

(Note). The many deplorable, so called, accidents each year, where a person has been mistaken for a deer, and killed, induced the passage of the following law: Ch. 263. P. L., 1901.

Section 1. Whoever while on a hunting trip, or in the pursuit of wild game or game birds, negligently or carelessly shoots and wounds, or kills any human being, shall be punished by imprisonment not exceeding ten years, or by fine not exceeding one thousand dollars.

CARTHAGE FARMERS BRINGING HOME THEIR WINTER'S SUPPLY OF MEAT.





Section 2. It shall be the duty of the county attorney and sheriff in the county in which a violation of the foregoing section occurs, to forthwith investigate and prosecute every person who therein violates the provisions of this act, and for failing so to investigate and prosecute, each of said officers shall be liable to a fine of not exceeding one thousand dollars, and to be removed from office.

NON-RESIDENTS MUST EMPLOY GUIDES.  
CH. 278, P. L. 1901.

It shall be unlawful for non-residents of the state to enter upon the wild lands of the state with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November; provided, that the provisions of this section so far as entering upon the wild lands in this state with intent to camp and kindle fires thereon while engaged in hunting or fishing, shall not apply to any person or persons who while hunting or fishing, stop permanently at any hunting or fishing camp, during such stay, which is owned or under the control of any registered guide or registered camp owner.

Whoever shall take, catch or kill any deer, or enter upon the wild lands in this state, with intent to camp and kindle fires thereon, while engaged in hunting or fishing, without being in charge of a registered guide, during the months of May, June, July, August, September, October and November, in violation of the provisions herein contained, shall be fined forty dollars and costs of prosecution, for each offense and be subject to imprisonment thirty days.

DEER IN CERTAIN COUNTIES.

SAGADAHOC—YORK—Close time until Oct. 1, 1903. Ch. 42, P. L. 1899, sec. 21.

KNOX—LINCOLN—Open season October only of each year. Ch. 42, P. L. 1899, sec. 21.

KENNEBEC—Open season October and November. Ch. 42, P. L. 1899, sec. 21.

### CUMBERLAND COUNTY.

It shall be lawful to hunt, chase and kill deer in the towns of Baldwin, Bridgton, Casco, Gorham, Gray, Harrison, Naples, New Gloucester, Otisfield, Raymond, Sebago, Standish and Windham, in Cumberland county, from October first to November first. Chapter 381, P. & S. Laws of 1901.

Note. (It is lawful to hunt deer in this county in the above mentioned towns ONLY, and ONLY during the month of October. The GENERAL law applies as to the number that may be taken and as to the penalty for violation of the law).

### ANDROSCOGGIN COUNTY.

The month of October of each year is hereby made an open month for the hunting and killing of deer in the county of Androscoggin, under the same conditions and restrictions as are provided in the general law of the state relating to the taking and killing of deer in open season. Ch. 371, P. & S. L. 1901.

### ISLE AU HAUT AND SWAN ISLAND, HANCOCK COUNTY.

It shall be unlawful to hunt, chase, catch or kill, in any manner, any deer on any island within the limits of the town of Isle au Haut, in the county of Hancock, for a period of six years.

Whoever violates any of the provisions of this Act, shall be subject to the same penalties as provided for the illegal killing of deer under the general law. Ch. 258, P. & S. L. 1901.

It shall be unlawful to hunt, chase, catch or kill, in any manner, any deer within the limits of the town of

Swan's Island in the county of Hancock for a period of five years. Whoever violates any of the provisions of this Act, shall be subject to the same penalties as are provided in the general law for the illegal hunting and killing of deer. Ch. 446, P. & S. Laws 1901.

### WALDO COUNTY.

It shall be unlawful to hunt, chase, catch or kill any deer in the county of Waldo for 2 years from the first day of Oct., 1901, except from the first day of October to the 15th day of November, inclusive, of each year, and then only under the same conditions and restrictions as are provided in the general law of the state relating to the taking and killing of deer in open season. Ch. 452, P. & S. L., 1901.

### OPEN AND CLOSE SEASON DEFINED.

Section 22 of ch. 42 of the P. L. of 1899, as amended by sec. 3, of ch. 222 of the P. L. of 1901.

The words "close season" and "close time," where used in this act, shall mean the time or period during which by this act it is made unlawful to hunt, shoot, wound, trap or destroy any bird or animal, or fish for, or catch any fish mentioned or referred to in this act, and the words "open season" where used in this act, shall mean the time or period during which it shall be lawful to take these animals, fish, and birds as specified and limited.

(Note). The possessor of game illegally taken or killed is as liable as if he had taken it himself. State vs. Bucknam, 88 Me. 385.

### TRANSPORTATION.

Chapter 42, section 23, P. L., 1899.

No person or corporation shall carry or transport from place to place any moose, or deer, or part thereof, in close time, nor in open time unless open to view, tagged, and plainly labelled with the name and residence

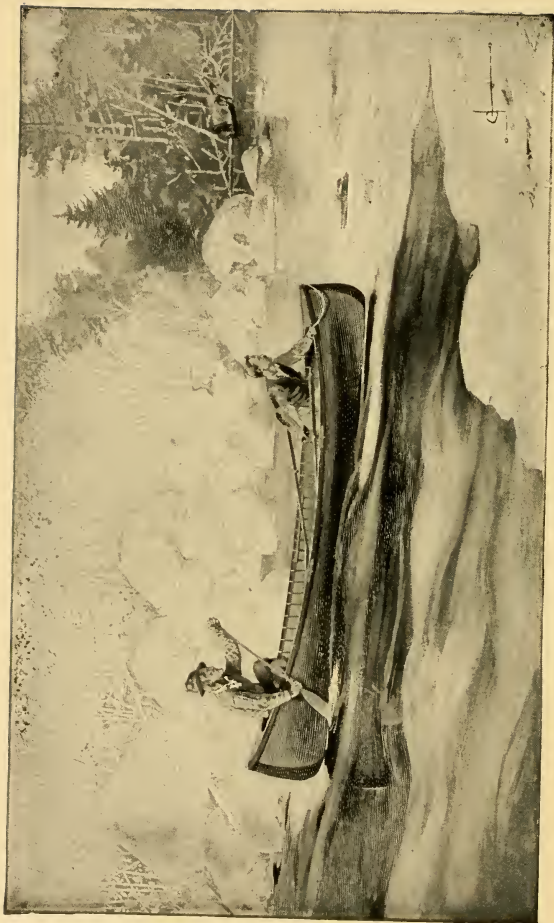
of the owner thereof, and accompanied by him, under a penalty of forty dollars and costs of prosecution for each moose or deer so transported or carried; and any person not the actual owner of such game or parts thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the penalties aforesaid; and it shall be prima facie evidence that said game, that is being transported or carried in violation of this section, was illegally killed; but nothing herein shall apply to the transportation of moose, or deer by any person or corporation, when such game is lawfully tagged in accordance with the provisions of section 26 of this chapter. Whoever lawfully kills a bull moose shall, while the same, or any part thereof, is being transported, preserve and transport it, with the evidence on the moose of the sex of the same. Whoever fails to comply with the provisions of this section shall forfeit to the State the moose or part thereof being transported, and pay a fine of three hundred dollars and costs of prosecution.

Chapter 42, P. L. 1899, sec. 24.

All birds, fish, and game hunted, caught, killed, destroyed, bought, carried, transported, or found in possession of any person or corporation, in violation of the provisions of this chapter and amendments thereto, shall be liable to seizure; and in case of conviction for such violation, such game shall be forfeited to the State, to be sold for consumption in this State only. Any person whose game or fish has been seized for violation of any game or fish law, shall have it returned to him on giving to the officer a bond with sufficient sureties, residents of the State, in double the amount of the fine for such violation, on condition that, if convicted of such violation, he will, within thirty days thereafter, pay such fine and costs. If he neglects or refuses to give such bond and take the game or fish so seized, he shall have no action against the officer for such seizure, or for the loss of the game or fish seized.







THERE IS RARE SPORT EVEN IN CANOEING.

## SHALL NOT-GIVE AWAY BIRDS OR GAME.

Chapter 42, sec. 25, P. L., 1899.

No resident of this State shall sell or give away any moose or deer or part thereof, or any game birds, to be transported or carried beyond the limits of this State, under a penalty of one hundred dollars for each and every moose, deer, or part thereof, and one dollar for every game bird so sold or given away; and any person who shall buy any of the above named animals or birds or parts thereof, to so transport them, or who shall transport them after buying the same, or receiving the same as a gift, shall be subject to the same penalty.

## MAY TRANSPORT MOOSE, DEER, GAME BIRDS AND FISH ON PAYMENT OF A FEE.

Chap. 42, sec. 26, P. L., 1899.

Any person who has lawfully killed a moose or a deer, or who has lawfully in his possession one trout, one togue, one land-locked salmon, or one white perch, or ten pounds of either kind of these fish, or one pair of game birds, may send the same to his home or to any hospital in the State, without accompanying the same, by purchasing of the duly constituted agent therefor a tag, paying for a moose five dollars, for a deer two dollars, for a trout, togue, or land-locked salmon, one dollar for each, or one dollar for each ten pounds of the same, and fifty cents for one white perch or ten pounds of the same, and fifty cents for a pair of game birds. The commissioners of inland fisheries and game may appoint agents in convenient localities who may sell these tags, under such rules and regulations as the commissioners may adopt.

Note.—(A person who has lawfully killed a bull moose, or a deer, may sell them, but not to be transported out of the State. He may take them to his home wherever he lives, by going with them, and having them properly tagged, or he may buy a license and

ship them to his home without going with them. He may take a moose or two deer that he has killed out of the State, or he may cut them up and peddle them out, without a license.

One who lawfully obtains the ownership of game in open time is not criminally liable for having the same in possession in close time afterwards. 88 Me. 385; 76-80; 82-173; 75-289. But having it thus in possession is evidence of its illegal capture. 88 Me. 385).

### GAME BIRDS AND THEIR PROTECTION.

Public Laws 1901, ch. 258.

There shall be for game birds an annual close time in which it shall be unlawful to hunt, chase, catch, kill or have them in possession whenever or however killed, as follows, For wood duck, dusky duck, commonly called black duck, teal, and gray duck, the close time shall be during the months of January, February, March, May, June, July, August and December of each year; for ruffed grouse, commonly called partridge, and woodcock, from the first day of December to September fifteenth next following of each year; for quail from the first day of December to the first day of October; for plover, snipe and sandpipers, from the first day of May to the first day of August of each year. Whoever violates any of the above named provisions of this section shall be subject to a penalty of not less than five dollars nor more than ten dollars for each bird so killed, caught, chased, or had in possession in close time. No person shall, in any one day, kill or have in possession more than fifteen of each variety of the above named birds, except sandpipers, the number of which shall not exceed seventy in one day, during the respective open seasons for each; nor shall any person, at any time, kill or have in possession any ruffed grouse, commonly called partridge, or woodcock, except for his own consumption within this state, except as hereinafter provided, under a penalty of five dollars for each bird so unlawfully killed or had in possession; nor shall any

person at any time sell, or offer for sale, any ruffed grouse, commonly called partridge, or woodcock, within this state, under the same penalty; nor shall any person or corporation carry or transport from place to place any of the birds mentioned in this section, in close season, nor in open season unless open to view, tagged, and plainly labelled with the owner's name and residence and accompanied by him, unless tagged in accordance with section twenty-six of this chapter under the same penalty. Any person, not the actual owner of such bird or birds, who, to aid another in such transportation, falsely represents himself to be the owner thereof shall be liable to the same penalty; nor shall any person or corporation carry or transport at any one time more than fifteen of any one variety of the birds above mentioned as the property of one person, under the same penalty; and it shall be unlawful for a term of ten years, to hunt, for, take, catch, kill or destroy the capercaillie, or cock of the woods, so called, black game, so called, or any species of the pheasant, except ruffed grouse or partridge, under a penalty of fifty dollars for each offense.

USE OF TRAPS, NETS, SNARES, AND ALL OTHER METHODS, EXCEPT THE USUAL METHOD OF SPORTING WITH FIREARMS, ILLEGAL IN TAKING GAME BIRDS; ALSO HAVING FIREARMS IN THE NIGHT IN POSSESSION IN THE VICINITY OF THE DUCK GROUNDS IN MERRY MEETING BAY.

Sec. 13, ch. 42, P. L. 1899.

It is unlawful to take any wild duck, of any variety, quail, ruffed grouse, or partridge, woodcock, or any bird, except by the usual method of sporting with firearms. Penalty \$5.00 for each bird. It is unlawful to kill in any manner any wild duck of any variety on the Kennebec river or on the shores thereof, south of Gardiner and Randolph bridge, or on Merrymeeting bay, or the shores thereof, between sunset and daylight of the following morning; it is unlawful to hunt, kill,

or destroy any wild duck, at any time, with the aid of jack lights, or any artificial light. Penalty \$50.00.

Having firearms in possession in the vicinity of the duck grounds in Merrymeeting bay, or on the Kennebec river south of the Randolph and Gardiner bridge, in the night time, is prima facie evidence that the person having them is hunting ducks contrary to law.

#### USE OF LAUNCHES, OR OTHER CRAFT PROPELLED BY OTHER THAN HAND POWER, UNLAWFUL IN HUNTING DUCK OR OTHER WATER FOWL, IN CERTAIN LOCALITIES.

P. & S. Laws 1901, chapter 387.

It shall be unlawful to pursue, hunt or shoot duck or other water fowl upon the waters of Lower Kezar pond, in the county of Oxford, in any launch or other craft propelled by steam, naphtha, electric or any power than by sails or hand, under a penalty of fifty dollars for each offense.

#### PROTECTION OF BIRDS OTHER THAN GAME BIRDS.

Ch. 142, Public Laws of 1901.

No person shall, within the state of Maine, kill or catch or have in his or her possession, living or dead, any wild bird, other than a game bird, nor shall purchase, offer or expose for sale, any such wild bird after it has been killed or caught. No part of the plumage, skin or body of any bird protected by this section shall be sold or had in possession for sale. Nor shall any person within the state take or needlessly destroy the nest or the eggs of any wild bird, nor have such nest or eggs in his or her possession. The English, or European house sparrow, the common crow and the hawks and owls are not included among the birds herein protected; and for the purposes of this act, the following only shall be considered game birds: the anatidæ, commonly known as swans, geese, brant, and river and sea ducks; the rallidæ, commonly known as rails, coots,

mud-hens and gallinules; the limicolæ, commonly known as shore birds, plovers, surf birds, snipe, woodcock, sandpipers, tattlers and curlews; the gallinæ, commonly known as wild turkeys, grouse, prairie chickens, pheasants, partridges and quails. Nothing in this section, however, shall be construed to affect in any way the protection of game birds, as provided in sections eleven and thirteen of the act hereby amended. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor, and when convicted therefor, shall be fined five dollars for each offense, and an additional five dollars for each bird, living or dead, or part of bird, or nest or eggs possessed in violation of this section or to imprisonment for ten days, or both, at the discretion of the court.

(Note). It will be seen by the above section that sweeping changes were made in the protection of birds other than game birds. The Ornithologists' Societies recommended and urged and secured the passage of this law.

The only birds, other than game birds, not protected are crows, hawks, owls and English sparrows.

#### DOVES.

It is held in all the authorities that doves are *feræ naturæ*, and as such are not subject of larceny, except when in the care and custody of the owner; as when in a dovecote or pigeon house, or when in the nest, before they are able to fly. If, when thus under the care of the owner, they are taken furtively, it is larceny, 9 Pickering, 15, 89 Me. 86.

Perhaps when feeding on the grounds of the proprietor, or resting on his barn, or other buildings, if killed by a stranger, the owner may have trespass, and if the purpose be to consume them as food, and they are killed or caught or carried away from the inclosure of the owner the act would be larceny. 89 Me. 87.

OPEN AND CLOSE SEASON ON LAND-LOCKED  
SALMON, TROUT, TOGUE, WHITE PERCH,  
BLACK BASS AND PICKEREL.

Public Laws 1899, chapter 42, sec. 5, and P. & S. L., chap. 326, 1901, relating to open season in Oxford county.

There shall be an annual close time for land-locked salmon, trout, togue, and white perch, as follows: for land-locked salmon, trout, and togue, from the first day of October until the ice is out of the pond, lake or river fished in the following spring of each year, except on the St. Croix river and its tributaries, and on all the waters in Kennebec county, in which the close time shall be from the fifteenth day of September until the ice is out of the ponds and lakes the following spring, and in Franklin county in which the close time shall be from the first day of October till May first; but for white perch, the close time shall be from the first day of April to the first day of July. No person shall take, catch, kill, or fish for in any manner, any land-locked salmon, trout, togue, or white perch in any of the waters of this State in close time, under a penalty of not less than ten dollars nor more than thirty dollars, and a further fine of one dollar for each fish thus caught, taken, or killed; provided, however, that any person lawfully trolling for trout, land-locked salmon, or togue, in good faith, who shall accidentally hook or catch a white perch may lawfully keep the same; and provided, that during February, March and April, citizens of this State may fish for and take land-locked salmon, trout, and togue, with not more than five set lines for each family, when fishing through the ice in the day time, and when under the immediate personal superintendence of the person fishing, and may convey them to their own homes for consumption therein, but not otherwise; but no citizen of the State during this time shall be permitted to catch more than twenty pounds or one fish, of any of the above named fish in any one day.





HON. HENRY O. STANLEY,  
The Oldest Fish and Game Commissioner  
in America.



(Note). Much uncertainty has seemed to exist in the minds of many about "winter" or "ice fishing," as it is called; also as to just what streams or tributaries are closed to fishing, and special regulations as to the manner of fishing, &c., in certain waters.

For convenience I have taken up this subject by counties, naming the lakes and ponds closed to ice fishing and the tributaries closed to any kind of fishing.

#### ANDROSCOGGIN COUNTY.

P. L. 1899, Ch. 42, Sec. 5. It is unlawful to fish through the ice at any time in lake Auburn in Auburn, Brettun's pond in Livermore, Allen pond in Greene, (and Androscoggin pond, situated partly in this county. P. & S. L. 1901, ch. 226).

(Note). It is lawful to fish through the ice, as provided in the general law, in all other lakes and ponds in this county.

#### SPECIAL LAW RELATIVE TO BLACK BASS IN SABATTUS POND.

It shall be unlawful for any person to kill any black bass which does not measure 12 inches in length from tip of nose to tip of tail, or to kill or cause to be killed more than 10 black bass in any one day taken from Sabattus pond. (Laws of 1901, ch. 287.)

#### SPECIAL LAWS CLOSING CERTAIN TRIBUTARIES TO CERTAIN LAKES IN THIS COUNTY.

It is also unlawful to fish at any time, for any kind of fish in any of the tributaries of Lake Auburn, or in Townsend brook, north of the road leading from the Turner road to North Auburn village, or in Townsend brook within 100 feet of the culvert at the mouth, during September of each year, or in any of the tributaries of Taylor pond, in the city of Auburn, or in any of the tributaries to Brettun's pond, in Livermore, Ch. 42, sec. 5. P. L., 1899. It is also unlawful to fish in

Three brooks, in Wales, Leeds and Greene, or in East and West branches of Dead river, in Leeds, Greene, and Wales, or in Dead river, in Greene, from the point where the Three brooks empty into said Dead river up to the bridge or in Upper and Lower Smelt brooks, on west side of Sabattus pond, in Greene, or in Sabattus river, in Webster, from outlet of Sabattus pond to the second dam, or in the tributaries of Big Bear pond, situated partly in Turner.

Provided, however, it shall be lawful to take such fish as are usually used for live bait, in Dead river, from Sabattus pond to where the East and West branches come together, during the months from May first to December first of each year, in quantities not to exceed five hundred in number, in any one month, to any one person.

It shall be unlawful to fish for any kind of fish on Sunday from the second dam to the third dam, on Sabattus river. (Rules and Reg. of Commissioners).

#### AROOSTOOK COUNTY.

There are no lakes or ponds closed to ice fishing in this county, except that Ross and Conroy lakes, in Littleton and Monticello, were closed to ALL fishing for 5 years by chapter 474 of Private and Special laws of 1901.

Sec. 5, ch. 42, P. L. of 1899. It is also unlawful to fish at any time, for any kind of fish, in the inlet streams of Squaw Pan lake, from Thibadeau's landing to the source of the stream, or in any of the tributaries to Madawaska lake.

#### CUMBERLAND COUNTY.

It is unlawful to fish through the ice for any kind of fish in Little Sebago pond and until June 15th of each year. P. & S. laws 1901, ch. 328.

Sabbath Day pond in New Gloucester and Thomas pond in Raymond and Casco are closed to ice fishing. P. L. of 1899, ch. 42, sec. 5. Great Watchic pond and

tributaries are closed to fishing from Oct. 1st to 1st day of May following. Ch. 292, P. & S. L., 1901.

(Note). It is lawful to fish through the ice, as provided in the general law, in all other lakes and ponds in this county. See also Thompson pond, Oxford county.

Sec. 5, ch. 42, P. L. 1899.

It is unlawful to fish at any time, for any kind of fish, in any of the tributaries to Sabbath Day pond, in New Gloucester, or in the tributaries to Sebago lake, except Crooked and North West rivers, or in the tributaries of Anonymous pond, in Harrison, or in Royal river, from the Sabbath Day pond to Jordan's dam, or in the tributaries to Thomas pond, in Raymond and Casco, or in Greely brook and its tributaries, in Oxford, Norway, and Otisfield.

It shall be unlawful to fish for, take, catch or kill any kind of fish at any time in any of the tributaries of Duck pond. Ch. 315, P. & S. laws 1901.

#### FRANKLIN COUNTY.

By sec. 5, ch. 42, P. L. 1899, it is unlawful to fish through the ice in any of the lakes or ponds in Franklin county.

#### CERTAIN TRIBUTARIES CLOSED.

It is unlawful to fish for any kind of fish, at any time, in any of the tributaries to Lake Webb, in Weld, except Alder brook, down as far as the mill dam at Hildreth's mill, or in any of the tributaries to Tufts and Duttons ponds, or the outlet of the same down to Reid's falls, and from Tufts pond to Alder stream, or in any of the tributaries to Rangeley lake, or in the tributaries to Ross pond, or in Rangeley stream, from the lower wharf, at the outlet of Rangeley lake, down to the dead water at the upper end of the eddy, or from the upper end of the eddy to the mouth of Kennebago stream, from July first to May first, or in Kennebago stream between the foot of the falls near its mouth to

the upper falls at the outlet of the lake, between July first and May first, or in Cupsuptic stream, tributary to Cupsuptic lake, above the first falls near its mouth between July first and May first, or in South Bog stream up to the first quick water, from July first to May first, or in the stream connecting Long pond and Rangeley lake from July first to May first, or in Bemis stream, tributary to Mooselucmaguntic lake, at any time, or in Whetstone brook, which flows into Kennebago stream, from the foot of the boulders, so called, in said stream, to the foot of the falls at the outlet of Kennebago lake, at any time, or in Metalluc and Mill brooks, which flow into the Upper Richardson lake, or the tributaries to Wilton pond, in the town of Wilton, at any time, or in the tributaries of Varnum and North ponds in the towns of Temple and Wilton, or in any of the tributaries to Clearwater pond, in the towns of Farmington and Industry, or in the tributaries of Long pond and Sandy river pond, lying wholly or in part in Sandy River plantation, or in Lufkin pond, or its tributaries, in the town of Phillips, at any time, or in the tributaries to Four ponds, in Townships E and D, or in the tributaries to Tim and Mud ponds, in Township 2, range 4, W. B. K., or in Webb's river, above Goodwin Brothers' mill dam in Carthage. Ch. 42, P. L. 1899, sec. 5. Also all the waters of Carrabasset river, and their tributaries, above or northerly or westerly of the bridges across said Carrabasset river, and its branches or tributaries, or in Redington and Houston brooks, so called, in the townships of Crockertown, Mt. Abraham and Jerusalem, or in the stream connecting Dodge and Round ponds, or in the stream between Round pond and Hunter cove, in Rangeley. R. & R. Commrs., 6-20-'99 & 7-10-'99.

It shall be unlawful to fish for, catch, or kill any fish in Quimby pond in the town of Rangeley, except in the ordinary way of angling with rod and artificial flies, between sunrise and sunset of each day, from the fifteenth day of May to the first day of

October; and no person shall take more than twelve fish in said pond in any one day, nor more than twenty-five fish in any one day in Four ponds in Townships E and D, or fish except with artificial flies, in South Bog stream and pool, so called, waters connected with Rangeley lake, or in Seven ponds, so called, or take, catch, or kill more than twenty-five trout from Tim and Mud ponds, in Township 2, range 4, W. B. K. P., or from Tufts and Dutton ponds in the same township in any one day, or take from the waters of Varnum or North pond in the towns of Temple and Wilton, and Clearwater pond in the towns of Farmington and Industry, more than three trout, togue, and land-locked salmon in all, in any one day. P. L. 1899, ch. 42, sec. 5.

It is also unlawful to fish for, catch or kill any kind of fish in Dodge and Round ponds, and in that part of Hunter cove above the bridge crossing the same, except by casting flies or trolling in the ordinary manner, the last named waters being in the town of Rangeley, and the fishing for, catching or killing any fish from the bridge crossing said Hunter cove at any time, except from the time the ice leaves Rangeley lake to June 1st of each year, is unlawful. R. & R. Commrs., 6-20-'99.

It is also unlawful for any person to catch more than five pickerel in Lake Webb, in one day, or more than 15 trout and land-locked salmon in all from Tufts, Dutton and Grindstone ponds, in one day. R. & R. of Commrs.

It shall be unlawful for a period of 4 years from June 1, 1901, to fish for, take, catch or kill any kind of fish in Sandy river or in any of its tributaries from Small's Falls, so called, in Madrid, to Sandy river pond.

It shall be unlawful to fish for, take, catch or kill any kind of fish in the following named tributaries of Sandy river below said Small's Falls, for a period of 4 years from June 1, 1901, namely: The north branch, called the Chandler mill stream; the south branch, called the Crossman stream; the Bowen brook; Saddleback stream that empties into Sandy river at Madrid Village;

the Ben Morrison brook that flows into Saddleback stream. Ch. 310 P. & S. L. 1901.

It shall be unlawful to catch any trout in Tufts, Dutton or Grindstone ponds, or their tributaries, in the town of Kingfield, Franklin county, for sale; and it shall be unlawful to sell any trout at any time taken from the above named ponds or their tributaries. Ch. 449, P. & S. L. 1901.

It shall be unlawful to take, catch or kill, at any time, any kind of fish in any of the ponds lying on Saddleback Mountain, or the outlet to the same flowing into Dead river pond or Rangeley lake, or in any of the tributaries emptying into said outlet, or in Salmon lake, formerly known as Gull pond, situated in Dallas Plantation, in the county of Franklin, except in open season, and not in open season except in the ordinary method of casting with artificial flies. Ch. 330, P. & S. laws 1901.

It shall be unlawful to fish for, in any way, or catch any fish of any kind in the Seven ponds, so called, the Seven ponds stream, so called, Little Kennebago lake, so called, and the stream flowing out of said Little Kennebago lake to the dam at the head of Kennebago falls, also the stream flowing out of Kennebago lake, commencing 4 rods above the Berlin Mills Company's bridge and continuing down said stream to its junction with the stream flowing from Little Kennebago lake, situated in the county of Franklin, except in the ordinary method of casting with artificial flies, or fly fishing. Ch. 291, P. & S. Laws 1901.

#### HANCOCK COUNTY.

It is unlawful to fish through the ice in Noyes pond, Eagle lake, Bubble pond or Turtle lake, on Mt Desert Island, Crocker pond in Township 32, Middle Division, Jordan pond, Long pond, or Pickerel pond in Township 32, Middle Division, Hancock County. Sec. 5, ch. 42, P. L. 1899.



It shall be lawful to fish through the ice in Green lake, Hancock county, during the months of February, March and April, on Fridays and Saturdays of each week, of each year, in the manner provided in the general law for fishing through the ice. P. & S. laws 1901, ch. 454.

(Note). It is lawful to fish through the ice, as provided in the general law of the state, in all other lakes and ponds in this county.

It is unlawful to fish for any kind of fish, at any time, in any of the tributaries to Noyes pond, in Bluehill, or in the tributaries to Green lake, in the towns of Dedham and Ellsworth, or in the tributaries to Eagle lake, in the town of Eden, or in the tributaries to Bubble pond, sometimes called Turtle lake, on the island of Mt. Desert, or in the tributaries to Jordan pond and Long pond, ch. 42, sec. 5, P. L. 1899, or in the tributaries of Branch pond, sometimes called Nicolin lake, in the city of Ellsworth, flowing into said pond or lake on the southwesterly side thereof, including Wickempauw and Rocky pond brooks and their tributaries, said streams being situated partly in Ellsworth, Orland and Dedham, or in the outlet of Nicatous lake, as far down as the head of Nicatous falls, or in said Nicatous lake for 100 feet up the lake from the dam, and in all of the tributaries of said lake except Gassabeas stream, or in the tributaries of Phillips lake, in Dedham. R. & R. of Commrs.

#### SALE OF TROUT PROHIBITED IN HANCOCK COUNTY.

It shall be unlawful to fish for, take, catch or kill any trout in any of the waters lying wholly or partly in the county of Hancock for sale.

It shall be unlawful for any person, at any time, to sell, either directly or indirectly, any trout in Hancock county. Ch. 272, P. & S. Laws of 1901.

## KENNEBEC COUNTY.

It shall be lawful for citizens of this state to fish through the ice, in the day time, with not more than 5 set lines to a family, and when under the immediate personal control of the person fishing, and to catch not exceeding 20 pounds, or one fish, in one day, and convey the same to their own homes, for consumption therein, but not otherwise, in the following named lakes and ponds situated wholly or partly in Kennebec county, namely:

All of the ponds and lakes situated wholly or partly in the town of Sidney, Cochnewagon pond, in Monmouth, Dexter, Berry, Ford, Pickerel and Wayne ponds, situated wholly or partly in the town of Wayne, also all of the lakes or ponds situated in Readfield, with the exception of Lake Maranocook, also all of the lakes and ponds situated wholly or partly in the town of Litchfield with the exception of Jimmy pond, so called, also all the lakes and ponds situated on the east side of the Kennebec river in Kennebec county with the exception of Three Mile pond, so called, in China, Windsor, and Vassalboro, in which last named pond it shall be lawful to catch pickerel on Saturdays only of each week, also Horseshoe pond in West Gardiner; but nothing in this Act shall be construed as permitting ice fishing at any time in Lake Cobbosseecontee, situated partly in Monmouth, Winthrop, Manchester, West Gardiner and Litchfield.

It is UNLAWFUL to fish in any other lake in this county through the ice. Ch. 329, P. & S. L. 1901.

It is also unlawful to fish at any time, for any kind of fish, in any of the tributaries to any of the lakes or ponds, lying wholly or in part in the towns of Winthrop, Monmouth, Litchfield, Manchester and Wayne, or in the tributaries to Three Mile pond, partly in China, or in any of the tributaries to McGraw, Ellis, East, North, Great, Long, Little and Snow ponds. Ch. 42, sec. 5. P. L. 1899.

No BLACK BASS LESS than 12 inches in length may be taken in certain lakes in Kennebec county.

Ch. 287, P. L. 1901.

It shall be unlawful for any person to kill any black bass taken from any of the following named waters, situated in the county of Kennebec, which do not measure 12 inches in length from tip of nose to tip of tail, and that it shall also be unlawful for any person to kill or cause to be killed more than 10 black bass in all taken in any one day from any of said lakes, namely: Snow pond or Messalonskee lake, Long pond, Great pond or Belgrade lake, North pond, East pond, McGrath and Ellis pond or Richardson lake, or any of the streams flowing into or out of any of said lakes or ponds or connecting the same, also Annabessacook, Maranocook and Cobbosseecontee lakes, and all streams connecting the same.

#### KNOX COUNTY.

It is unlawful to fish through the ice in Crystal lake, in Washington, in Knox County. Ch. 42, sec. 5, P. L. 1899.

(Note). It is lawful to fish through the ice, as provided in the general law, in all other lakes and ponds in this county.

It is unlawful to fish for any kind of fish at any time in any of the tributaries to Canaan lake or the tributaries to Lermond's or Alford's ponds, or in the tributaries to Norton pond, and Crystal lake. Ch. 42, sec. 5, P. L. 1899.

It shall be unlawful for a period of 3 years to fish for, take, catch or, kill in any manner any kind of fish in the Branch and Meadow brooks, so called, situated in the town of Thomaston and city of Rockland.

At the expiration of the 3 years named in section 1 of this Act there shall be a close time on said brooks in which it shall be unlawful to fish for, take, catch or kill in any manner any fish in said brooks from July first to June 1st of each year. Ch. 224, P. & S. L. 1901.

It is unlawful to fish in Grassy pond in the towns of Hope and Rockport at any time within five years from the approval of this act. Ch. 42, sec. 5, P. L. 1899.

#### LINCOLN COUNTY.

It is unlawful to fish through the ice in Dyers pond, in Jefferson. Ch. 42, sec. 5, P. L. 1899.

(Note). It is lawful to fish through the ice in all other lakes and ponds in this county.

It is unlawful to fish in any of the tributaries of Dyer's pond. Ch. 42, sec. 5, P. L. 1899.

It shall not be lawful for any person to catch or take eels from Damariscotta river or pond during the months of May, June, July, August, September and October, by potting, trapping, netting, or by any other device; and any person so offending shall, on conviction, forfeit and pay a fine of not less than five, nor more than twenty dollars, to be recovered in an action of debt, one-half to the complainant, and the other half to the town where the offense is committed, before any trial justice in the county of Lincoln. Chapter 391, P. & S. Laws 1901.

#### OXFORD COUNTY.

Ch. 326, P. & S. L. 1901. Section 1. Ice fishing is permitted in accordance with the general law, (see page 26) in the following named lakes and ponds situated wholly or partly in Oxford County, namely: North and Bird ponds in the town of Norway, the Five Kezar's, Moose, Bear, Long, Two Speck, Pappoose, and McWain ponds in the town of Waterford, Kneeland, Burnt Land, Songo, and Crooker ponds in the town of Albany, Proctor pond in the towns of Albany and Stoneham, Upper Stone, and Horse Shoe ponds in the town of Stoneham, Bradley, Dresser, Farrington, and Slab City ponds in the town of Lovell, Moose, Beaver, Long, Grandeur and Little ponds in the town of Denmark, Lower Kezar, Lovewell's, Clay, Haley, Charles, Pleasant, Lower Kimball and Bog

ponds lying wholly or partly in the town of Fryeburg. Rattle Snake and Burnt Meadow ponds in the town of Brownfield, Moose and Mud ponds in the town of Paris, Indian, Round and Twitchell ponds in the town of Greenwood, Hogan and Whitney ponds in Oxford, the two Clemons ponds, Middle, Barker and South East ponds in Hiram, Bungamuck pond in Hartford, Keyes and Stearns ponds in Sweden, Bickford, Long and Colcord ponds in Porter, and North pond in Greenwood and Woodstock.

Section 2. It shall be unlawful to fish for, take, catch or kill any fish at any time in any of the streams which are tributary to Pennesecewassee lake in Norway, or Great and Cold brooks, tributaries to Upper Kezar pond, in Lovell, and the tributaries to Great and Cold brooks, and the tributaries of Upper and Lower Stone ponds in Stoneham. (See Chap. 336, P. & S. L., 1901, which corrects the spelling—it was printed "Stowe" in this Act).

Section 3. The open time for fishing in all the lakes in Oxford county shall begin as soon as the ice is out of said lakes in the spring instead of on the first day of May as now provided by law.

Chapter 207, P. & S. L. 1901, provides as follows:

It shall be lawful, for two years from the time this Act takes effect, for citizens of this state to fish for, take, catch and kill togue, pickerel and cusk during the months of February, March and April of each year, with not more than five set lines for each family when fishing through the ice in the day time, and convey the same to their own homes for consumption therein but not otherwise, in Thompson pond, so called, situated in the towns of Oxford, Casco, (Cumb. Co.), Poland and Otisfield, and sec. 5 of ch. 42 of the public laws of 1899 is hereby modified to conform with this Act so far as it relates to Thompson pond.

Ch. 42, sec. 5, P. L. 1899.

It is unlawful to fish for any kind of fish, at any time, in any of the tributaries to Anasagunticook lake,

or Whitney pond, in Canton and Hartford, or in the tributaries to Little Bear pond, in Hartford and Turner, or in the tributaries to Howard's pond, in Hanover, or in Megalloway river or its tributaries between the mouth of Little Megalloway river and the Berlin Mill Company's dam, or in the tributaries to lakes Pennesseewassee and Little Pennesseewassee, or in the tributaries to Roxbury pond or Garland pond, or in Rapid river from the Swing bridge, at the Oxford Club House, to Lake Umbagog, or in the tributaries to Songo pond in Albany, Sand and Pickerel pond in Denmark, Upper Kezar pond in Stoneham and Lovell.

It is unlawful to take any black bass, pickerel, or any other fish from the Lower Kezar pond and its tributaries, in the county of Oxford, for the purpose of selling the same (but any person may take twenty pounds of fish in one day from said Lower Kezar pond, but shall not transport the same, except in possession of the owner); or to fish for, take, or catch any fish, from Ward's brook, Ward's pond, and Walker's pond, so called, in Oxford county, except between the first day of May and August of each year, or to fish therein except with rod and single line and artificial flies; or to fish for, catch, or kill any fish in Ellis river and its tributaries, situated in Andover, Andover West, North Surplus, and Roxbury, in Townships C and D, in Oxford and Franklin counties, except on Tuesdays, Thursdays, and Saturdays, during the months of May, June, and July, and to the fifteenth day of August.

It is unlawful to fish between sunset and daylight from the fifteenth of August to the first day of October in the Pool below the upper dam at the outlet of Moose-lucmagantic lake, in Oxford County. R. & R. of Commrs.

Ch. 321 of P. & S. L. of 1901 provides: There shall be a close time in which it shall be unlawful to fish for any kind of fish in any way or at any time in Pleasant pond or its inlets, situated in the town of Sumner, Oxford county, for the term of 3 years from the approval

of this Act; and for the term of 5 years thereafter it shall only be lawful to fish on Tuesdays, Thursdays and Saturdays of each week, and but 25 fish to be taken by any one person in any one day.

Ch. 287, P. L., 1901, provides: That it shall be unlawful for any person to kill any black bass taken from any of the following named waters, situated in Oxford county, which do not measure 12 inches in length, from tip of nose to tip of tail, and that it shall also be unlawful for any person to kill or cause to be killed more than 10 black bass in all taken in any one day from said lake, namely Keoka lake, Oxford county.

### PENOBSCOT COUNTY.

Ice Fishing. Ch. 42, Sec. 5, P. L. 1899.

It shall be unlawful to fish through the ice in Dexter pond in Dexter, or in its tributaries at any time.

It is lawful to fish in all other lakes and ponds in this county through the ice, as provided in the general law.

Ch. 453 of P. & S. L. 1901, provides: Drift nets, of a mesh not less than  $2\frac{1}{2}$  inches square, may be used by inhabitants of this state, from 6 o'clock in the afternoon of Wednesday to 6 o'clock in the afternoon of Saturday of each week, during open season, in fishing for and taking salmon in the Penobscot river from the Water Works' dam at Bangor to the mouth of Seboeis river, so called, on the east branch of said Penobscot, provided, however, that no salmon shall be so taken between said points in said river except for the purpose of consumption in the homes of the inhabitants so taking, and that no drift net shall be used within 300 yards of any dam or mill race on said river.

Sec. 2, ch. 191, P. & S. L. 1899. If in the judgment of the Commissioners of inland fisheries and game, the privileges granted by section one are abused, misused or are detrimental to the proper propagation of the salmon fisheries on any part of the Penobscot river, said com-

missioners shall have power and are hereby authorized to suspend the operation of this act.

### PISCATAQUIS COUNTY.

It shall be lawful to fish through the ice as provided in the general law (see page 26), in the following named lakes and ponds, namely: Seboeis lake, Boyd lake, Cedar lake, Ebeeme ponds, Schoodic lake, North and South Twin lakes, Pamadumcook lake, Ambajejus lake, Debsconeag lake, Nahmakanta lake, Chesuncook lake, Sebec lake, First Buttermilk pond, Big Benson pond, Big Hoston pond, Center pond in Sangerville, Moosehead lake, Jo Mary lake, Caribou lake, Lobster lake, Chamberlain lake, Telos lake, Webster lake, Eagle lake, Allegash lake, Munsungan lake, Millinockett lake, Caucogomoc lake, Churchill lake, Chemquassabamticook lake, Grand lake, Second lake, Ragged lake, Pepper pond, and Whetstone pond. Ch. 230, P. & S. L. 1901.

It shall be lawful to fish through the ice for pickerel in Boyd lake in the county of Piscataquis during the months of December and January in each year, in addition to the time specified in chapter 230 of the P. & S. L. of 1901. Ch. 484, P. & S. L. 1901.

It is unlawful to fish at any time for any kind of fish in any of the tributaries to Lake Hebron, or the tributaries to Twin Doughty pond in Monson, or the tributaries to Ship pond and Bear pond in Elliottsville, or in the brook that is the outlet of Garland pond in Sebec, or in the tributaries to Lake Onawa, or in the tributaries to Sebec lake, or the tributaries to Moosehead lake, except Moose river, ch. 42, P. L. 1899, sec. 5, (the mouths of these tributaries have been established by monuments by the commissioners), or in any of the streams flowing into Ship pond stream in Willimantic and Bowerbank plantation, R. & R. Commrs., or in Ship Pond stream above Buck's falls; or in Little Huston pond, in Katahdin Iron Works Township, except with artificial flies. Ch. 42, sec. 5, P. L. 1899.



It shall be unlawful for 3 years to fish for, take, catch or kill, in any way or manner, any fish of any kind in Lily pond, in the town of Shirley, county of Piscataquis. Ch. 251, P. & S. 1901.

It is unlawful to take, catch or kill any kind of fish at any time in Davis stream, in Willimantic, Monsón pond stream which is a tributary to Davis stream, Vaughan stream which is a tributary to Long pond stream. Ch. 230, P. & S. L. 1901.

There shall be an annual open season for fishing in Wilson river, in Piscataquis county, between Wilson pond and Toby falls in the town of Willimantic by any of the methods prescribed by law, from May 15th to October 1st. Ch. 229, P. & S. L. 1901.

There shall be an annual close time on the Lower Wilson pond, the Upper Wilson pond, Prong pond and Horseshoe pond, being the upper waters of Wilson stream in Piscataquis county, and all the tributaries of the aforesaid ponds from October first to July first of each year, for 5 years from the passage of this Act. Ch. 368, P. & S. L. 1901.

#### SOMERSET COUNTY.

Ch. 379, P. & S. L., 1901.

It is lawful to fish through the ice as provided in the general law, (see page 26), in the following named lakes and ponds, namely: Moosehead lake, Ellis, Round and Ten-thousand-acre-ponds in T. No. 1 in the 6th Range, W. of the Kennebec river of the Bingham's Kennebec Purchase, and known as the Ten-thousand-acre township, Rowell pond in Solon, Smith pond in Cornville, Pickerel pond in Flagstaff, Gilman pond in Lexington, Pierce pond in township No. 2, Range 4, Sibley pond in Canaan, Morrill pond in Hartland, Fahi and Sandy ponds in Embden, Wyman and Weeks' ponds in Brighton, Moose, Mud, Starbird and Stafford ponds in Hartland, Indian pond in St. Albans, White and Douglass ponds in Palmyra, Hancock pond in Embden,

Gammon pond situated partly in Franklin and partly in Somerset county.

Ch. 42, sec. 5, P. L., 1899. It is unlawful to fish for any kind of fish at any time in Parlin or Lang streams, or in their tributaries, or in the tributaries to Parlin or Lang pond, or in the tributaries to Lake George, or in Barret brook and its tributaries in Holeb, or in Beaver brook, in Holeb, or in the brooks forming the outlet of Fish pond and Little Fish pond and of Little Gulf stream and Big Gulf stream, or in Wood stream, above its entrance into Big wood pond, or in the tributaries of Hayden lake, in Madison, or in the tributaries of Great Embden pond, or Moose pond in Hartland and Harmony, or in West outlet of Moosehead lake. Also so much of Tuttle brook in Athens as lies between its junction with Corson stream, so called, and the northerly line of the Poor Farm where it crosses Tuttle brook. R. & R. of Commrs.

It is unalwful for a person to take, catch or kill in one day, more than 40 trout in Butler pond, in Lexington and Kingfield, and in the tributaries of Gilman pond in New Portland and Lexington, and the tributaries to Sandy stream, in Carrying Place, Highland and Lexington. R. & R. Commrs.

Ch. 379, sec. 2, P. & S. L. 1901. Mosquito stream, an inlet of Moxie pond in The Forks plantation, and East Moxie and Bald Mountain townships, in Somerset county, is hereby closed to all fishing for any kind of fish at any time to low water mark in said Moxie pond.

Ch. 379, sec. 3, P. & S. L. 1901. It shall be lawful to fish in the inlets of Rowell pond in Solon and Smith pond in Cornville, as provided in the general law for fishing.

Ch. 379, sec. 4, P. & S. L. 1901. It shall be unlawful to fish for, catch, take or kill any kind of fish at any time in Misery stream, an inlet of Brassua lake, in Somerset county.

Ch. 379, sec. 5, P. & S. L., 1901. Main stream, so called, a tributary to Moose pond in Somerset county,

is hereby opened to fishing under the general law relating to fishing in the inland waters of the state. (See also Ch. 452, P. & S. L., 1901).

Ch. 287, P. L., 1901, provides: That it shall be unlawful for any person to kill or cause to be killed any black bass taken from Snow pond or Messalonskee lake, Long pond, Great pond or Belgrade lake, North pond, East pond, McGrath and Ellis pond or Richardson lake, situated partly in Kennebec and partly in Somerset county, or any of the streams flowing into or out of any of said lakes or ponds or connecting the same, which do not measure 12 inches in length, from tip of nose to tip of tail; it shall also be unlawful for any person to kill or cause to be killed more than 10 black bass in all taken in any one day from any of said lakes.

#### WALDO COUNTY.

No lakes closed to ice fishing.

Ch. 316 of P. & S. L. of 1901 provides: It shall be unlawful for a term of 3 years to fish for, take, catch or kill any kind of fish, at any time, in the stream known as Sandy stream or any of its tributaries, or in any of the tributaries of Unity pond, situated in the town of Unity, except that eels or suckers may be taken in their season.

#### WASHINGTON COUNTY.

There are no lakes closed to ice fishing in this county.

The law closing Lambert lake to ice fishing was repealed by ch. 236, of P. & S. L. 1901.

The tributaries to Lambert lake are closed to fishing by ch. 42, sec. 5, P. L. 1899.

The tributaries to no other lake are closed in this county, except the following law relative to Grand lake stream:

Ch. 270, P. & S. L., 1901, provides: There shall be an annual close time on land-locked salmon, trout and togue in Grand lake stream, the outlet of Grand lake,

Washington county, and for so much of Grand lake as is 100 yards above the dam at the outlet, from the first day of October to the first day of June.

Sec. 2. It shall be unlawful during open season on said stream and 100 yards above the dam at the outlet of said lake, to fish for, take, catch or kill any fish by any other method than by the ordinary way of angling with rod and artificial flies; and from said dam to a point 100 yards below said dam on said stream it shall be unlawful to fish for any kind of fish at any time.

Ch. 401, P. & S. L., 1901, provides: Sec. 1. No person shall be allowed to take any salmon, alewives or smelts in Pleasant river, Washington county, within 500 yards of any dam or fishway except by hook and line or hand dip net.

Sec. 2. No smelts shall be taken or fished for except by hook and line between the 20th day of May and the 1st day of October.

Sec. 3. No salmon, alewives or smelts shall be fished for or taken within 50 feet of any dam or fishway.

Sec. 5. The penalty for the violation of any section of this Act shall be not less than ten nor more than thirty dollars and may be recovered by action of debt, one-half to the use of the county, the other half to the use of the person who shall sue therefor.

## YORK COUNTY.

Ice fishing is prohibited in the following named lakes and ponds: Bonneg Beg, situated partly in North Berwick and partly in Sanford; "L" pond, situated partly in Sanford and partly in Wells. Ch. 447, P. & S. L. 1901. Messabesic, called Shaker, Middle Branch, and Littlefield ponds. P. L. 1899, ch. 42, sec. 5.

Bunganeaut pond in Alfred and Lyman, close time from October 1st to May 1st. Ch. 237, P. & S. L. 1901. Penalty \$10, and \$1 for each fish.

The tributaries to Bonneg Beg pond are closed to all fishing. Ch. 42, sec. 5, P. L. 1899.





HOUSE BOAT—CONVENIENT DEVICE FOR FISHING.

## BLUE BACK TROUT PROTECTED AT ALL TIMES.

Ch. 42, sec. 5, P. L. 1899, provides that it is unlawful to fish for, take, catch, or kill any blue back trout in any of the waters of the State at any time.

## PENALTY FOR VIOLATION OF FISH LAWS.

The penalty for violation of any of the provisions of the fish laws mentioned above is not less than ten nor more than thirty dollars for each offense, and an additional fine of one dollar for each fish taken, caught or killed in violation of the law, except in cases where the penalty is otherwise mentioned.

## WHAT ARE TRIBUTARIES?

(Note). Much inquiry is made as to just what are considered to be the tributaries to a lake or pond. The answer is: One lake or pond is not a tributary to another lake or pond, within the meaning of the law. "Tributary," taken in its ordinary meaning, means "paying tribute to"—"serving to increase"—in geography, "a stream which contributes to another body of water,"—"a branch or affluent,"—from which it follows that the tributaries to a lake or pond are all of its contributory streams, but not another lake or pond.

## PROHIBITED DEVICES IN FISHING.

Ch. 42, P. L. 1899. Sect. 6. Whoever fishes for, takes, catches, kills, or destroys any fish, with fish spawn or grapnel, spear, trawl, weir, seine, trap, or set lines, except when fishing through the ice, and then with not more than five set lines in the day time, or with any device, or in any other way than by the ordinary mode of angling with single baited hooks and lines, artificial flies, artificial minnows, artificial insects, spoon hooks and spinners, so called, shall be fined not less than ten nor more than thirty dollars for each offense; and when

such prohibited implements or devices are found in use or possession, they are forfeit and contraband, and any person finding them in use, may destroy them.

(Note.—It is lawful to use a dip or landing net to land your fish after you have caught it).

#### MAY TAKE MINNOWS AND OTHER BAIT FISH FOR ONE'S OWN USE.

Ch. 42, sec. 6, P. L. 1899. It shall be lawful to take minnows and other bait fish, commonly used for live bait, for own's own use in fishing, in any of the closed streams in this State, and to take smelts for consumption of the family of the person taking them.

#### UNLAWFUL TO CATCH OR TRANSPORT MORE THAN TWENTY-FIVE POUNDS OF FISH AT ONE TIME.

Sec. 7, ch. 42, P. L. 1899. No person shall transport more than twenty-five pounds of land-locked salmon, trout, togue, or white perch, in all, at any one time; nor shall any such be transported except in the possession of the owner thereof, plainly labelled thereon with the owner's name and residence, except as is provided in section 26 of this chapter; nor shall any corporation transport more than twenty-five pounds in all, of said fish, at one time, as the property of any one person; nor shall any person take, catch, kill, or have in possession in any one day more than twenty-five pounds in all, of the above named fish. Whoever violates any of the provisions of this section shall be punished by a fine of fifty dollars for each offense and one dollar for every pound of fish so taken or being transported, in excess of twenty-five pounds; and all such fish being so transported or taken in violation of this section may be seized and shall be forfeited to the State. Whoever has in his possession more than twenty-five pounds in all, of said fish, shall be deemed to have taken them in violation of this section; provided, however, that the



taking of one fish additional having less than twenty-five pounds, or less than twenty pounds when fishing through the ice, shall not be regarded as a violation of the law.

#### AN ACT RELATING TO FISHING FOR TOGUE THROUGH THE ICE.

Ch. 146, P. L. 1901. Sec. 1. It shall be lawful for inhabitants of this state when fishing through the ice in the day time, during the months of February, March and April as now provided by law, to take, catch and have in possession 40 pounds of togue instead of 20 pounds as now provided by law.

#### LENGTH OF SALMON AND TROUT THAT MAY BE TAKEN.

Ch. 42, P. L. 1899. Sec. 46. Whoever kills or destroys any sea salmon or land-locked salmon less than nine inches in length, or any trout less than five inches in length, forfeits five dollars for the offense and fifty cents for every land-locked salmon or trout so killed or destroyed. Whoever has in possession any salmon or trout of less than the above dimensions shall be deemed to have taken it in violation of this section.

#### PROTECTION OF SCREENS.

Ch. 289, P. L. 1901. Whoever shall take up, destroy or injure any screen erected at the outlet of any lake or pond by authority of the Commissioners of Inland Fisheries and Game, shall be punished by a fine not exceeding fifty dollars.

#### DYNAMITE AND OTHER EXPLOSIVES PROHIBITED.

Ch. 42, P. L. 1899, sec. 8. No person shall use dynamite or other explosives or any poisonous or stupefying substance whatever, for the purpose of destroying or

taking fish, under a penalty of one hundred dollars and, in addition thereto, two months' imprisonment in the county jail for each offense.

#### INTRODUCTION OF CERTAIN BIRDS, FISH AND ANIMALS PROHIBITED.

Sec. 4, ch. 222, P. L. 1901. Whoever introduces fish of any kind into any of the waters of the state by means of live fish or otherwise, or whoever introduces wild birds or wild animals of any kind or species, into the state except upon written permission of the commissioners of inland fisheries and game, shall forfeit not less than fifty dollars nor more than five hundred dollars.

#### POSSESSION OF JACK LIGHTS, SPEARS, TRAWLS, NETS, ILLEGAL WHEN.

Sec. 4, ch. 222, P. L. 1901. The having in possession of any jack light, spear, trawl, or net, other than a dip net, in any camp, lodge, or place of resort for hunters or fishermen, in the inland territory of the state, shall be prima facie evidence that the same are kept for unlawful use; and they may be seized by any officer authorized to enforce the inland fish and game laws. Whoever is convicted of having any of the above named implements in his possession unlawfully as aforesaid, shall be fined fifty dollars and costs of prosecution.

#### EELS, SUCKERS, WHITE FISH AND CUSK.

Sec. 6, ch. 222, P. L. 1901. In closed waters where eels, suckers, cusk and white fish abound, the commissioners may grant permits to take the same and dispose of them for food purposes; and where an exclusive right is granted to take eels in any river or stream or part thereof, they may grant such permit upon such terms as they deem reasonable, and such permits shall expire with the calendar year; and it shall be lawful to take suckers with spears or hook and line in any closed

tributaries from the time the ice goes out in the spring until June first.

## TOWNS MAY AID IN PROPAGATION AND PROTECTION OF FISH.

1899, ch. 42, sec. 57. Cities, towns and plantations are authorized to raise annually, by a two-thirds vote at their annual meeting, a sum not exceeding five hundred dollars, to be expended by the municipal officers thereof or by a commissioner elected by the cities, towns or plantations for the propagation and protection of fish in public waters located wholly or partially within their respective limits. A report of the expenditures thereof shall be made at the next annual meeting by the officer or officers authorized to expend such appropriation.

## PROTECTION OF SHEEP.

Damages To, by Wild Animals. How Recovered.

Ch. 178, P. L. 1901. Sec. 1. When any person, resident of this state, shall sustain any damage to his sheep, lambs or other domestic animals, by reason of their being killed or injured by wild animals he shall give information thereof to the mayor of the city, or to one of the municipal officers of the town or plantation where such damage was done within twenty-four hours after he has knowledge of the same, and thereupon said mayor or municipal officers shall estimate the amount of such damage, and all such damage proved to the satisfaction of the above officers to have been committed by wild animals, and within the limit of their city, town or plantation, shall be paid by such officers out of the treasury of their city, town or plantation.

Sec. 2. When any city, town or plantation shall have paid damages to the owners of sheep, lambs or other domestic animals under section one of this chapter, the mayor of such city, or the municipal officers of such town or plantation, shall make a statement of facts in

the case, together with the amount of damage so paid, and shall transmit the same to the state treasurer, who shall reimburse such city, town or plantation to the amount of such damage from the general fund received by the state under section three, chapter two hundred and eighty-seven of the public laws of eighteen hundred and ninety-three.

#### WARDENS — THEIR APPOINTMENT AND DUTIES.

Ch. 42, P. L. 1899. Sec. 47. The governor, with the advice and consent of the council, upon the recommendation of the commissioners of inland fisheries and game, may appoint suitable persons as fish and game wardens, who shall hold office for a term of three years unless sooner removed, and who shall enforce all laws relating to inland game and fisheries, and all rules and regulations in relation thereto, arrest all violators thereof, and prosecute all offenses against the same; said wardens shall have the same power to serve criminal processes against such offenders, and shall be allowed the same fees, as sheriffs, for like services, and they shall have the same right as sheriffs to require aid in executing the duties of their office. They shall, before being qualified to discharge the duties required by this act, give bond to the treasurer of the State with two good and sufficient sureties in the penal sum of two thousand dollars approved by the commissioners of inland fisheries and game, conditioned for the faithful performance of the duties of their office. Inland fish and game wardens may serve all processes pertaining to the collection of penalties for violation of the inland fish and game laws; fish wardens may be appointed inland fish and game wardens and need not give additional bond.

#### SHERIFFS, GAME WARDEN.

Ch. 42, P. L. 1899. Sec. 48. Sheriffs, deputy sheriffs, police officers and constables, are vested with the powers



THE DOOM OF ALL "DEER" DOGS.

Killed by Game Warden J. R. Pollard of Winslow.



of inland fish and game wardens and their deputies, and shall receive for their services the same fees.

#### FISH AND GAME WARDENS, FIRE WARDENS.

P. L. 1891, ch. 108. Fish and game wardens are hereby made state fire wardens, and it shall be their duty while in and about the woods, to caution all sportsmen of the danger from fires in the woods, and to extinguish all fires left burning by any one, if within their power; and to give notice to any and all parties interested when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished.

#### PENALTY FOR FALSELY ASSUMING TO BE A WARDEN OR COMMISSIONER.

Ch. 144, P. L. 1901. Whoever falsely assumes to be a justice of the peace, sheriff, deputy sheriff, coroner, or constable, or inland fish and game warden, or a commissioner of inland fisheries and game, and to act as such, or to require any one to aid him in a matter pertaining to the duty of such office, shall be punished by imprisonment for not less than one year, or by fine not exceeding four hundred dollars.

#### SEARCH AND SEIZURE OF GAME.

Ch. 42, P. L. 1899. Sec. 49. The commissioners and every warden throughout the State and every sheriff and constable in his respective county are authorized and required to enforce the provisions of this chapter, and to seize any game or fish or game birds taken or held in violation of this chapter; and every such officer shall have full power and authority, and it shall be his duty with or without a warrant, to arrest any person whom he has reason to believe guilty of a violation thereof, and, with or without a warrant, to open, enter, and examine all camps, wagons, cars, stages, tents, packs, stores, warehouses, store-houses, out-houses, stables, barns, and other places, and to examine all

boxes, barrels, and packages where he has reason to believe any game or fish taken or held in violation of this act, is to be found, and to seize the same; provided, however, that a dwelling house actually occupied can be entered for examination, only in pursuance of a warrant, or to make an arrest.

#### PENALTIES—HOW RECOVERED.

Ch. 42, P. L. 1899. Sec. 50. Any officer authorized to enforce the inland fish and game laws may recover the penalties for the violation thereof in an action on the case in his own name, the venue to be as in other civil actions, or by complaint or indictment in the name of the State; and such prosecution may be commenced in the county in which the offense was committed, or in any adjoining county, and the plaintiff prevailing shall recover full costs without regard to the amount recovered.

#### OFFICERS MAY ARREST WITHOUT WARRANT.

Ch. 42, P. L. 1899. Sec. 51. Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of any of said laws, and shall with reasonable diligence, cause him to be taken before any trial justice or any municipal or police court, in the county where the offense was committed, or in any adjoining county, for a warrant and trial. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county; and any officer who shall maliciously, or without probable cause, abuse his power in such proceedings shall be liable upon complaint or indictment, to a fine not exceeding one hundred dollars, or imprisonment not exceeding three months.



## JURISDICTION OF COURTS.

Ch. 42, P. L. 1899, Sec. 52. In all prosecutions under this chapter and the amendments and additions thereto, municipal and police judges and trial justices within their counties have, by complaint, original and concurrent jurisdiction with the supreme judicial and superior courts.

## DISPOSITION OF FINES AND PENALTIES.

Ch. 42, P. L. 1899, Sec. 53. Any officer or other person who shall receive any fine or penalty, or any part thereof, for the violation of any fish or game law, and shall neglect for more than thirty days to pay the same into the State treasury, he shall be punished by a fine of not less than fifty, nor more than one hundred dollars; all fines and penalties recovered, or money paid, under any of the provisions of this chapter and the amendments and additions thereto, shall by the person receiving the same, be paid forthwith to the treasurer of the State, after deducting legal taxable costs; and such money so received by said treasurer shall be expended by the commissioners of inland fisheries and game for the protection of the fish and game of the State.

## SERVICE ON CORPORATIONS, HOW MADE.

Ch. 42, P. L. 1899, Sec. 54. In case of a violation of any of the provisions of this chapter by a corporation, the warrant of arrest may be served by an attested copy served on the president, secretary, or manager in this State, or any general agent thereof in the county where the action is pending, and upon return of such warrant so served, the corporation shall be deemed in court and subject to the jurisdiction thereof, and any fine imposed may be collected by execution against the property of such corporation; but this section shall not be deemed to exempt any agent or employe from prosecution.

### PENALTY FOR DISHONEST LICENSEE.

P. L. 1899, Ch. 42, Sec. 55. If the holder of any license, certificate, or permit, issued in conformity with any of the provisions of this chapter, shall persistently or flagrantly and knowingly violate or countenance the violation of any of the provisions of this chapter, such license certificate or permit may be revoked by the commissioners, after due notice given of the alleged violation, and an opportunity afforded to appear and show cause against the same.

### DUTY OF COUNTY ATTORNEYS.

Ch. 42, P. L. 1899, Sec 56. It shall be the duty of each county attorney to prosecute all violations of this chapter occurring within his county, when such cases may come to his knowledge, or when he may be so requested by the commissioners or any officer charged with its enforcement, the same at all times to be subject to the supervision and control of the commissioners.

### PARTICIPANTS IN VIOLATION OF GAME LAWS COMPELLED TO TESTIFY.

In any prosecution under this chapter, any participant in a violation thereof, when so requested by the county attorney, commissioners, or other officer instituting the prosecution, may be compelled to testify as a witness against any other person charged with violating the same, but his evidence so given shall not be used against himself in any prosecution for such violation.

### DUTY OF JUSTICES OF THE PEACE AND CLERKS OF COURTS.

It shall be the duty of every justice of the peace and clerk of the court before whom any prosecution under this act is commenced, or shall go on appeal, within twenty days after the trial or dismissal thereof, to report in writing the result thereof and the amount of fines collected, if any, and the disposition thereof to the commissioners, at Augusta.

## DUTY TO WARDENS TO MAKE REPORTS.

In all cases, the officer making the seizure or sale of fish, game, or birds, shall within ten days thereafter, report all the particulars thereof and an itemized statement of the proceeds, expenses, and fees, and the disposition thereof to the commissioners, at Augusta.

Every warden shall, in the month of December of each year, and at such other times as the commissioners may require, report to the commissioners all violations of, and prosecutions under this act, occurring in his district, together with such further information as the commissioners may require. The failure of any person or officer to perform any act, duty, or obligation enjoined upon him by this act, shall be deemed a violation thereof.

## LICENSES.

### GUIDES, SPORTING CAMP PROPRIETORS AND THOSE WHO ENGAGE IN THE BUSINESS OF HUNTING FUR BEARING ANIMALS MUST BE LICENSED.

Sec. 29, ch. 42, P. L. of 1899, as amended by ch. 186 of P. L. 1901. No person shall build, occupy, maintain or keep a sporting camp, lodge or place of resort for inland hunting or fishing parties in any place, nor engage in the business of hunting or trapping any of the fur bearing animals of the state in any of the unorganized townships or wild lands of the state without first procuring a license therefor from the commissioners of inland fisheries and game, and paying a fee therefor of five dollars; and he shall make such report to the commissioners as may be called for; but a license to build, occupy, maintain or keep such sporting camp, lodge or place of resort shall not be granted unless the person applying for the same files with his application therefor, the written consent of the owner or owners of the land or his or their agent upon which such camp, lodge or place of resort is or may be

located; and such licensed persons may purchase for consumption in their sporting camps, lodges or places of resort deer lawfully killed, but they shall keep a record of all such purchases, of whom purchased and the date of the purchase, and on December fifteenth of each year shall make written report thereof to the commissioners under oath; whoever violates any of the provisions of this section shall be fined one hundred dollars and costs for each offense; the commissioners, however, may refuse to issue a license or licenses to such person or persons as they deem unsuitable.

### LICENSING OF GUIDES.

Ch. 42, P. L. 1899, Sec. 30. No person shall engage in the business of guiding, either for inland fishing or forest hunting, until he has caused his name, age, and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and has procured a certificate from said commissioners, setting forth in substance that he is deemed suitable to act as a guide, either for inland fishing or forest hunting, or both, as the case may be, under a penalty of fifty dollars and costs of prosecution for each offense. Each registered guide shall, from time to time, as often as requested by the commissioners, forward, on blanks furnished him by the commissioners, a statement of the number of persons he has guided in inland fishing and forest hunting during the time called for in said statement, the number of days he has been employed as a guide, and such other useful information relative to inland fish and game, forest fires, and the preservation of the forests in the localities where he has guided, as the commissioners may deem of importance to the State, under a penalty of fifty dollars for unreasonably or wilfully refusing to comply with these requirements.

Sec. 31. Such registration as is provided for in this chapter shall be as follows: the applicant shall apply in writing or personally to the commissioners for registration, or to some person designated by the commis-

sioners, setting forth in his application whether he desires to be registered as a general or local guide; and the commissioners shall, as soon thereafter as may be, register such person as a guide in such class as they shall deem proper, after such investigation as they shall deem proper; but said commissioners may refuse to register any applicant whom they deem unfit to be a guide, and may, for cause shown, after due notice and hearing, cancel any registration by them made, and may advance anyone from the local class to the general class, whenever they shall deem such person qualified to be a general guide. Whenever a guide registered, as provided in this chapter, is convicted of any violation of any of the inland fish and game laws, the commissioners shall, at their discretion, cancel his certificate of registration and strike his name from the list of registered guides; but such person may thereafter be registered again at the discretion of the commissioners. Any certificate cancelled by virtue of this chapter shall be immediately returned to the commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement. A fee of one dollar shall be paid annually for the registration as herein provided. No person shall receive a certificate as a general guide unless he be at least twenty years of age, of good repute, and friendly to the inland fish and game laws, and will discountenance in all proper ways all violations thereof. He shall be thoroughly competent to traverse the hunting grounds of the State in which he is licensed to guide, and shall be skilled in the use, management, and handling of such boats or canoes, on lake, pond, or river, as are used in the territory in which he is authorized to guide, and shall be a safe person under all circumstances to be a guide for inland fishing and forest hunting parties. A person may receive a certificate as a local guide who does not, in the judgment of the commissioners, possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted

in the territory in which they are permitted to guide. Every non-resident registered as a guide shall pay a fee of twenty dollars; the commissioners may at their discretion refuse to issue any certificates of registration after October twentieth of each year, and every certificate issued shall expire with the calendar year. An official badge for guides may be prepared by the commissioners.

Guide law declared to be constitutional. *State vs. Snowman*. '94 Maine Reports, page 99.

#### MARKETMEN AND PROVISION DEALERS.

Ch. 42, P. L. 1899, Sec. 27. Any marketman or provision dealer, having an established place of business in this State, may purchase and have in his possession at his said place of business not more than three deer, lawfully killed or destroyed, or any part thereof, at one time, and may sell the same at retail to his local customers, provided, however, that said marketman or provision dealer, shall have procured a license of the commissioners of inland fisheries and game to carry on said business of buying and selling deer as aforesaid; and provided further, that said marketman shall record in a book kept for that purpose, and open to the inspection of inland fish and game wardens and the commissioners of inland fisheries and game, the name and residence of each person of whom he purchases any inland fish or game, and the date of such purchase; and if any marketman or provision dealer shall violate the provisions of this section, he shall be fined five hundred dollars for each offense, and be prohibited for five years thereafter from the benefits of this section.

All marketmen or provision dealers licensed as aforesaid shall pay to the commissioners, in cities and towns of over three thousand inhabitants, five dollars annually, and three dollars in all other places; or instead of this fee, the commissioners may, at their discretion, issue licenses authorizing the retailing of deer as above specified, on payment of fifty cents for each deer

retailed; said marketmen and provision dealers holding these licenses shall annually, on December fifteenth, make, sign, and send to the commissioners, under oath, a statement setting forth in detail the number of deer by them bought, and of whom bought, and the date of each purchase, during the time covered by their licenses; and whoever fails to make the report required in this section shall be subject to a penalty of one hundred dollars and costs.

#### LICENSES TO BUY AND TAN DEER SKINS.

Ch. 42, P. L. 1899, Sec. 28. The commissioners may annually issue licenses to suitable persons to buy and sell, or tan, deer skins lawfully taken. Such persons shall keep a record of all deer skins purchased, of whom purchased, and the date of purchase, and shall report annually to the commissioners. The fee for such license shall be five dollars, to be paid to the commissioners and by them to the State treasurer; and whoever, licensed as aforesaid, unreasonably and wilfully refuses to make such report, shall be punished by a fine of one hundred dollars and costs.

#### TAXIDERMISTS.

Ch. 222, P. L. 1901, Sec. 7. The commissioners of inland fisheries and game may, upon application, issue a license to such persons as taxidermists, who, in their judgment, are skilled in that art, of good reputation, and friendly to the fish and game laws of the state; and may also issue licenses to suitable persons, whose numbers shall not exceed fifteen at one time, to take, kill, capture and have in possession any species of birds other than domestic and the nests and eggs thereof for scientific purposes; and for such licenses the applicant shall pay the sum of five dollars; but no person thus allowed to take or have in possession birds for scientific purposes shall sell, offer for sale, or take any compensation for specimens of birds, nests, or eggs, or dispose of the same, by gift or otherwise, to be taken from the

state, except for exchange of specimens for scientific purposes; and for any violation of the provisions of this section, such persons shall be subject to a fine of not less than ten nor more than fifty dollars. This section, however, shall not authorize the killing of any birds nor the taking of any birds' nests or eggs thereof on Sunday; and the commissioners may, for cause, revoke any license authorized by this section. Taxidermists mentioned in this section may at all times have in their possession, at their places of business, fish and game lawfully caught or killed in open time for the sole purpose of preparing for and mounting the same; and such fish and game, or parts thereof, may be transported to such licensee and retained by him for the purposes aforesaid, under such rules, restrictions and limitations as shall, from time to time, be made by said commissioners and stated in such original license and additions made thereto, from time to time, by said commissioners. Such licenses may be revoked by said commissioners, at any time after notice and an opportunity for a hearing; such licenses shall be for the term of three years, and each person so licensed shall annually, on or before December first of each year, make a detailed, written report to the commissioners of all they have done during the year by virtue of such license; and every licensee or carrier violating any of the provisions of this act, or of the rules, restrictions, or limitations set out in said license and additions thereto, shall, on complaint before any trial justice or municipal or police court, be fined not less than twenty dollars nor more than fifty dollars.

#### COMMISSIONERS OF INLAND FISHERIES AND GAME—THEIR APPOINTMENT, POWERS AND DUTIES.

Ch. 42, P. L. 1899, Sec. 32. The governor, with the advice and consent of the council, shall appoint three persons to be commissioners of inland fisheries and game, one of whom shall be the land agent of the State



and shall hold the office so long as he shall continue to be land agent, and shall receive in addition to his salary as land agent, the annual sum of two hundred dollars; the other two commissioners shall hold their office for three years, and until their successors are appointed and qualified, and shall each receive an annual salary of one thousand dollars. Said commissioners shall receive, in addition to their salaries, actual traveling expenses, to be audited by the governor and council; they shall be provided with an office in the State capitol, with suitable furniture, stationery, and other facilities for the transaction of the business of the department, and they may appoint a clerk at a salary not exceeding five hundred dollars per annum.

Sec. 33. The commissioners of inland fisheries and game shall examine dams and all other obstructions existing in all rivers and streams, and determine the necessity of fish ways, and the location, form and capacity thereof; and shall introduce and disseminate valuable species of food fish into the inland waters of the State, and valuable food birds into the State. They shall examine into the workings of the inland fish and game laws, see that all violations thereof are duly prosecuted, and perform all other duties prescribed by law. They shall annually on or before the 31st day of December, report to the governor.

Sec. 34. The commissioners of inland fisheries and game shall have authority, upon petition of five or more citizens of the State, or whenever they shall deem it for the best interests of the State, after due notice and public hearing in the locality to be affected, to regulate the times and places in which and the circumstances under which game and inland fish may be taken; but they cannot authorize the taking of game or inland fish at a time in which its capture is prohibited by the laws of the State, and in all cases where the prayer of the petitioners is refused, one-half of the expenses of the commissioners shall be paid by the petitioners. Whenever they deem it for the best interests of the State, after

like notice and hearing, they may entirely prohibit the taking of any kind of game or inland fish, in any part of the State, for a series of years not exceeding four. They may adopt and, from time to time, modify or repeal such needful rules and regulations, not contrary to the laws of the State, as they may deem necessary or proper for the protection and preservation of the game and inland fish of the State, in conformity with the provisions of the last two preceding sections. They shall file, in the office of the clerks of the cities, towns, and plantations in the territory to be affected, a copy of the rules and regulations adopted by them, and publish the same three weeks successively in a newspaper printed in the county, and post on the banks of waters to be affected, as nearby as may be like notices; and whenever any such rules or regulations apply to any unorganized township, a like copy shall be filed with the clerk of courts for that county and published three weeks successively in a newspaper printed in the county; they shall also immediately upon the adoption of any rules and regulations contemplated by this act, file an attested copy of the same in the office of the secretary of State.

Sec. 35. Whoever fishes for, takes, catches, kills, or destroys any inland fish, in any manner or at any time, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is provided for by law for the illegal taking, catching, killing or destroying of any such inland fish.

Sec. 36. Whoever at any time or in any manner shall hunt, chase, catch, kill, take, have in possession, or destroy any inland game, in violation of any of the rules and regulations of the commissioners of inland fisheries and game, made and promulgated in conformity with the provisions of this chapter, shall be punished in the same manner and to the same extent as is pro-

vided for by law for the illegal hunting, chasing, catching, killing, taking, having in possession, or destroying of any such inland game.

Sec. 37. Any person who wilfully mutilates, defaces or destroys any notice, rule, or regulation of the commissioners of inland fisheries and game, posted in conformity with the provisions of this act, shall be punished by a fine not exceeding fifty dollars, to be recovered by complaint or indictment; and one-half of said fine shall be paid to the prosecutor.

Sec. 38. Said commissioners of fisheries and game may take fish and game of any kind when, where, and in such manner, as they choose, for the purposes of science and of cultivation and dissemination, and they may grant written permits to other persons to take fish and game for the same purposes, and may introduce or permit to be introduced, any kind of fish into any waters. They may, after a hearing, set apart, for a term not exceeding ten years, any waters for the use of themselves, or of the United States commissioner of fish and fisheries, in the prosecution of the work of fish culture and of scientific research relative to fishes. The order setting apart such waters shall be recorded in the registry of deeds of the county in which they are situated. In the waters so set apart, they and the United States commissioner of fish and fisheries, and persons acting under their authority may, in their respective fish culture and scientific work, take fish at any time or in any manner, and erect and maintain any fixtures necessary for such purposes. No other person shall take or kill any fish, or use any implement for fishing therein, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of one dollar for each fish so taken or killed; provided, however, that before such hearing they shall give notice thereof, by publication of their intention for two successive weeks in at least one newspaper printed in the county where such waters lie. They are authorized to grant permission to take moose, caribou, deer, and birds

for park purposes in this State, under such rules, regulations, and conditions as they shall establish. They may, under such rules and regulations as they may establish, permit the taking of eels and white fish in the inland waters of the State. They shall have authority to cause the destruction of all mink found in or around any fish hatchery or feeding station in this State. They may upon petition of ten or more taxpayers, residents in the locality, adopt such needful rules and regulations, not contrary to the general laws of the State, as may be necessary to prevent the interference with, or the destruction of the spawning beds, feeding troughs, or artificial ponds of land-locked salmon or trout, or other useful fish. The penalty for the wilful violation of any of such rules and regulations shall be fifty dollars for each offense. The commissioners may at their discretion, screen the outlet of any pond or lake or authorize the same to be done under such conditions as may seem to them just.

#### FISH WAYS.

Sec. 39. The owner or occupant of every dam or other artificial obstruction in any river or stream frequented by salmon, shad, alewives, or land-locked salmon, shall provide the same with a durable and efficient fishway, of such form and capacity, and in such location as may, after notice in writing to one or more of said owners or occupants and a hearing thereon, be determined by the commissioners of inland fisheries and game by written notice to some owner or occupant specifying the location, form, and capacity of the required fishway, and the time within which it shall be built; and said owner or occupant shall keep said fishway in repair, and open and free from obstruction for the passage of fish, during such times as are prescribed by law; provided, however, that in case of disagreement between said commissioners and the owner or occupant of any dam, as to the propriety and safety of the plan submitted to the owner or occupant of such dam

for the location and construction of the fishway, such owner or occupant may appeal to the county commissioners of the county where the dam is located, within twenty days after notice of the determination, to the commissioners of inland fisheries and game by giving to the latter named commissioners notice in writing of such appeal within that time, stating therein the reasons therefor; and at the request of the appellant or the commissioners of inland fisheries and game the senior commissioner in office of any two adjoining counties shall be associated with them, who shall appoint a time to view the premises and hear the parties and give due notice thereof, and after such hearing they shall decide the question submitted, and cause record to be made thereof, and their decision shall be final as to the plan and location appealed from. If the requirements of the commissioners of inland fisheries and game are affirmed, the appellants shall be liable for the costs arising after the appeal, otherwise they shall be paid by the county. If a fishway thus required is not completed to the satisfaction of the commissioners of inland fisheries and game within the time specified, every owner or occupant shall forfeit not more than one hundred nor less than twenty dollars for every day of such neglect between the first days of May and November. On the completion of a fishway to the satisfaction of the commissioners of inland fisheries and game, or at any subsequent time, they shall prescribe in writing the time during which the same shall be kept open and free from obstruction to the passage of fish each year, and a copy of such writing shall be served on the owner or occupant of the dam. The commissioners of inland fisheries and game may change the time as they see fit. Unless otherwise provided, fishways shall be kept open and unobstructed from the first day of May to the fifteenth day of July. The penalty for neglecting to comply with this section, or with any regulations made in accordance herewith, is not less than twenty nor

more than one hundred dollars for every day of such neglect.

Sec. 40. Whenever the commissioners of inland fisheries and game find a fishway out of repair or needing alterations, they may, as in the case of new fishways, require the owner or occupant to make such repairs or alterations; and all proceedings in such cases and the penalty for neglect shall be as provided in the three preceding sections, without appeal. If the dam is owned and occupied by more than one person, each is liable for the cost of erecting and maintaining such fishway, in proportion to his interest in the dam, and if any owner or occupant neglects or refuses to join with the others in erecting or maintaining such fishway, the other owners or occupants shall erect or repair the same, and have an action on the case against such delinquent for his share of the expenses. If the owner or occupant of such dam resides out of the State, said penalties may be recovered by a libel against the dam and land on which it stands, filed in the supreme judicial court in the county where it is located, in the name of the commissioners of inland fisheries and game or of any fish wardens who shall give to such owner or occupant, and all persons interested therein, such notice as the court or any justice thereof in vacation, orders, and the court may render judgment therein, against said dam and lands for said penalties and costs, and order a sale thereof to satisfy such judgment and costs of sale, subject, however, to all said requirements for the erection and maintenance or repair of said fishway. The commissioners of inland fisheries and game may delegate to any fish warden or other lawful officer of fisheries any of the powers given to said commissioners in relation to the construction of fishways.

AN ACT AUTHORIZING THE EMPLOYMENT OF DEPUTY FISH WARDENS BY THE COMMISSIONER OF SEA AND SHORE FISHERIES AND BY THE COMMISSIONERS OF INLAND FISHERIES AND GAME.

Ch. 214, P. L. 1901. The commissioner of sea and shore fisheries for his department and the commissioners of inland fisheries and game for their department may appoint deputy wardens, for whose official misconduct and neglect they shall be answerable, and said deputy wardens shall be sworn. Their appointment and discharge shall be in writing. Such deputy wardens shall be subject to all the laws pertaining to wardens appointed by the governor and council, and have the same powers. And said commissioners may revoke such appointment at any time.

Ch. 42, P. L. 1899, Sec. 41. The following waters and their tributaries are exempt from the provisions relating to migratory fishes and the supervision of the fishways by the commissioners; that is to say, Royall river in North Yarmouth, Sewall's pond or its outlet in Arrowsic, so much of the waters of the Damariscotta river as are west of the railroad bridge near Damariscotta mills, all waters in Vinalhaven, Tremont, Mount Desert, Eden, Franklin, and Sullivan, Pleasant river in Washington county, East Machias river, and the Eastern Penobscot river in Orland. Little river in Perry shall be exempt from all the foregoing provisions that relate to maintaining fishways in said river, except during April, May and June.

Sec. 42. For the purposes of this chapter, the term "salmon" means the common migratory salmon of the sea coast and rivers; the term "land-locked salmon" means any of the species or varieties of salmon that do not periodically and habitually run to the sea, being the same locally known as "salmon trout" and "black spotted trout;" the term "alewife" means the small species of migratory fish called "alewife" but known also by the local names of "herring" and "gaspereau."

and also includes the similar species found in tidal waters and known as blue-back;" and the term "bass" means the striped bass of tidal waters.

Sec. 43. The provisions of this chapter so far as they relate to fish apply to the taking of the same in all fresh waters above the flow of the tide and in all tidal waters frequented by the various species of fresh water and migratory fishes, except to the capture of shad and alewives in Denny's river and its tributaries, Pemmaquam river and its tributaries, and the Schoodic lakes and their tributaries, and to the taking of white fish in the Schoodic lakes on the St. Croix river and their tributaries, by citizens of the State with set nets, during the months of May and November, and conveying them to their own homes, but not otherwise. This chapter does not apply to fish taken in the weirs on St. Croix river, and does not repeal the laws relating to the St. Croix, Denny's, Pemmaquam, Cobscook, East Machias, and Narraguagus rivers.

#### ARTIFICIAL CULTURE OF FISH BY PRIVATE PERSONS.

Sec. 44. Any riparian proprietor may, within the limits of his own premises, inclose the waters of a stream not navigable, for the cultivation of useful fishes; provided that he furnishes suitable passages for migratory fishes naturally frequenting such waters, and does not obstruct the passage of boats and other craft and materials, in places where the same have a right to pass. Any person legally engaged in the artificial culture and maintenance of fishes, may take them in his own enclosed waters wherein the same are so cultivated and maintained, as and when he pleases, and may at all times sell them for cultivation and propagation; but he shall not sell them for food at seasons when the taking thereof is prohibited, under a penalty of not less than ten nor more than one hundred dollars, and a further penalty of not less than one dollar for each fish so sold. Any person engaged in the artificial propaga-



tion of trout, or fresh and salt water salmon, when the parent fish are taken from the public waters in the State, shall retain not less than twenty-five per cent of all eggs taken from said parent fish, and shall cause the same to be properly cared for and hatched, and, when hatched and in proper condition, to be returned to a place suitable for such young fish in the original waters from which the parent fish were taken, and shall cause said parent fish to be returned to safe locations in such waters, under a penalty of not less than fifty nor more than five hundred dollars for each offense. But this section does not apply to cases in which the parent fish are taken in the manner and at the time and place permitted for the capture of such fish for food; nor to operations in fish culture conducted for public purposes by permission of the commissioners of fisheries, who may affix such conditions to their permits as they see fit, requiring in no case, however, less than twenty-five per cent. of the young fish to be returned, as provided in this section.

Sec. 45. No person without permission of the proprietor, shall fish in that portion of a pond or other water in which fish are artificially cultivated or maintained by written permission of the fish commissioners, under a penalty of not less than ten nor more than one hundred dollars, besides two dollars for each fish so taken or killed; and, in default of payment, such offender shall be imprisoned at the expense of the prosecutor, until said forfeiture is paid or otherwise discharged by due process of law.

#### THROWING OF SAWDUST, SLABS, AND MILL WASTE INTO STREAMS. PROHIBITED WHERE.

In Ellis river and its tributaries. P. & S. L. of 1897, ch. 555.

In all of the streams, rivers, or brooks lying wholly or in part in the towns of Naples, Casco and Raymond, in the county of Cumberland. Ch. 331, P. & S. L. 1901.

In any of the tributaries to any of the ponds or lakes lying wholly or partly in the towns of Vienna and Mt. Vernon. Takes effect Jan. 1, 1902. Ch. 459, P. & S. L. 1901.

In McGraw, Ellis, East, North, Great, Long, Little and Snow ponds, or any of their tributaries. Ch. 299, P. & S. L. 1901.

#### CLOSE TIME ON MINK, SABLE, MUSKRAT, FISHER AND BEAVER.

Ch. 42, P. L. 1899, Sec. 15. Whoever, between the first day of May and the fifteenth day of October, destroys any mink, sable, muskrat, or fisher, forfeits ten dollars for each animal so destroyed; excepting, however that it shall be lawful to kill muskrats in Lily pond in the towns of Rockport and Camden and also such muskrats as interfere at any time with the operation and maintenance of any canal, ditch, lawful dam, or cranberry bog. Whoever at any time kills or destroys any beaver, except upon written permission of the commissioners of inland fisheries and game, shall be fined one hundred dollars and costs and twenty-five dollars additional for each beaver killed or destroyed.

Ch. 485, P. & S. L. 1901. Sec. 1. Henry McKenney of Jackman, Somerset County, is hereby permitted to fence in the waters of Enchanted Stream in Somerset county above the large dam built by him and in said enclosure to breed and propagate beaver. The title and property in said beaver is to remain in the state of Maine for the space of four years from the date of the approval of this Act. Said McKenney is, however, to procure a lease of the landowners for the above named purpose.

Sec. 2. Any person who shall destroy said fence or kill said beaver shall be punished by a fine of not less than twenty nor more than fifty dollars for any destruction of said fence or the killing or taking away of each beaver.





HON. CHAS. E. OAK,  
Forest Commissioner, Land Agent, Com-  
missioner of Inland Fisheries and Game.

## PROTECTION OF FORESTS.

## FIRE.

1885, ch. 337, sec. 15. Whoever kindles a fire on land not his own, without consent of the owner, forfeits ten dollars; if such fire spreads and damages the property of others, he forfeits not less than ten nor more than five hundred dollars, and in either case he shall stand committed until fine and costs are paid, or he shall be imprisoned not more than three years.

1891, ch. 100, sec. 3. The selectmen of towns shall be, ex-officio, forest fire wardens therein and shall divide said towns into three districts, bounded as far as may be by roads, streams of water, or lot lines, and assign to each of their number the charge and oversight of one district as district fire wardens therein. A description of each district and the name of the fire warden thereof shall be recorded with the town clerk. The services of such selectmen acting as said fire wardens, shall be paid for at the same rate as is paid for their official services. It shall be the duty of the fire warden of the district in which a fire is discovered to take such measures as may be necessary for its control or extinction. For this purpose he shall have authority to call upon any persons in the territory in which he acts for assistance, and such person shall receive such compensation not exceeding fifteen cents per hour as said selectmen may determine, the same to be paid by the town. But no town shall be holden to pay for extinguishing forest fires in any year an amount greater than two per cent upon its valuation for purposes of taxation. If any person so ordered to assist, and not excused from said service by said forest fire warden on account of sickness, disability or some important business or engagement, shall neglect to comply with any such order he shall forfeit the sum of ten dollars, to be recovered in an action of debt in the name and to the use of the town, by the treasurer thereof.

Sec. 4. County commissioners of each county in which there are unorganized places shall annually appoint, such number of fire wardens as they deem necessary not exceeding ten, for all such unorganized places in any county, whose duties and powers shall be the same with respect to such unorganized places as those of the fire wardens of towns, and they shall also have the same authority to call out citizens of the county to aid them in extinguishing fires, that town fire wardens have to call out citizens of the town. The compensation of such fire wardens shall be paid by the county, and the compensation of persons called upon by them as aforesaid, to render aid, shall be the same as that provided in the case of towns and shall be paid one-half by the county and one-half by the owners of the lands on which said fires occur.

#### BEWARE OF LEAVING CAMP FIRES BURNING.

Ch. 100, P. L. 1891, sec. 5, as amended by chap. 251 of P. L. of 1901. Whoever by himself, or by his servant, agent, or guide, or as the servant, agent, or guide of any other person, shall build a camp, cooking, or other fire, or use an abandoned camp, cooking or other fire in or adjacent to any woods in this state, shall, before leaving such fire, totally extinguish the same, and upon failure to do so such person shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of fifty dollars, provided that such fires built upon the sea beach in such situation that they cannot spread into forest wood or cultivated lands or meadows, shall not be construed as prohibited by this act. One-half of any fine imposed and collected under this section shall be paid to the complainant.

Sec. 8. It shall be the duty of municipal officers in towns, and county commissioners, the latter with respect to unorganized places, to proceed immediately

to a strict inquiry into the cause and origin of fires, within wood lands; and in all cases where such fires are found to have originated from the unlawful act of any person, to cause the offender to be prosecuted without delay.

Sec. 9. The selectmen of towns in which a forest fire of more than one acre in extent has occurred, and the county commissioners where a forest fire of more than two acres has occurred in any of the unincorporated places in any county, within a year, shall report to the forest commissioner the extent of area burned over, to the best of their information, together with the probable amount of property destroyed, specifying the value of timber as near as may be, and amount of cord wood, logs, bark or other forest product, fencing, bridges and buildings that have been burned. They shall also report the cause of these fires if they can be ascertained and the measures employed and found most effective in checking their progress. Blanks for the reports required in this act shall be furnished by said forest commissioner at the expense of the State.

Sec. 10. Every railroad company whose road passes through waste or forest lands, shall during each year cut and burn off or remove from its right of way all grass, brush or other inflammable material, but under proper care and at times when fires are not liable to spread beyond control.

Sec. 11. All locomotives which shall be run through forest lands, shall be provided with approved and efficient arrangements for preventing the escape of fire and sparks.

Sec. 12. No railroad company shall permit its employes to deposit fire, live coals or ashes, upon their track in the immediate vicinity of wood lands or land liable to be overrun by fires, and where engineers, conductors or train men discover that fences along the right of way or wood lands adjacent to the railroads, are burning, or in danger from fires, it shall be their

duty to report the same at their next stopping place which shall be a telegraph station.

Sec. 14. Any railroad company violating the requirement of this act, shall be liable to a fine of one hundred dollars for each offense.

### THE LACEY BILL.

The Act of Congress, approved May 25, 1900, has given new interest to the restrictions imposed by the various states for the protection of game.

This Act supplements existing State laws by prohibiting the shipment from one state to another of game or birds killed in violation of local laws, and by subjecting birds and game brought into a state to the same restrictions as those prescribed for game and birds produced within that state.

This law is regarded as one of the most important ones yet enacted in the interests of game and bird protection.

This federal game law, it can readily be seen, is additional protection to existing State game laws. With good laws well executed, the craft of law evader falls into disrepute. This federal game law will prove an additional check to violators of the State game laws.

The violator of the law has heretofore not had much to fear, if the game was once got out of the State, consequently State game laws have not been sufficiently far reaching.

I submit herewith sections 3, 4 and 5 of the Act above referred to for the information of shippers, dealers and others:



“AN ACT TO ENLARGE THE POWERS OF THE DEPARTMENT OF AGRICULTURE, PROHIBIT THE TRANSPORTATION BY INTERSTATE COMMERCE OF GAME KILLED IN VIOLATION OF LOCAL LAWS, AND FOR OTHER PURPOSES.

Sec. 3. It shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one state or territory to another state or territory, or from any state or territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the state, territory or district in which the same were killed: Provided, that nothing herein shall prevent the transportation of any dead birds or animals during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the state, territory or district in which the same are killed.

Sec. 4. That all packages containing such dead animals, birds or parts thereof, when shipped by interstate commerce, as provided in section one of this act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this act the shipper shall, upon conviction, pay a fine not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this act shall, upon conviction, pay a fine not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.

Sec. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the

importation of which is prohibited, or the dead bodies or parts thereof, of any wild game animals, or game or song birds transported into any state or territory, or remaining therein for use, consumption, sale or storage therein, shall, upon arrival in such state or territory, be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals and birds had been produced in such state or territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

This act shall not prevent any importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl."





BOUNDARY POST, CANADA LINE.

## APPENDIX.

## DEFINITIONS.

P. & S. L.: Private and Special Laws.

Sec.: Section. Ch.: Chapter.

P. L.: Public Laws.

R. & R. Commrs.: Rules and Regulations of the Commissioners.

## EXPLANATIONS.

We have many requests from citizens of other states for a guide's license. Any person who can show that he is fully qualified to act as a guide, and wants to come here to engage in the business of guiding in good faith, can be licensed, but we cannot license one of a party, who simply wants to avoid the law, requiring non-residents, when camping and kindling fires on the wild lands of the state, to be in charge of a registered guide. This would simply be an evasion of the law and cannot be tolerated.

The following typical questions were received from a New York party, which are given with the answers.

Ques. "I represent a party of eight who make a registered camp our headquarters. Now when we wish to change and visit a new locality, with our own canoes, can we paddle over the lakes or up river to another registered camp without a guide and not violate the law?"

Ans. "Yes, if you do not camp and kindle a fire on wild land."

Ques. "Several of us were stopping at a registered camp, but there was but one sleeping room. It was suggested that we pitch our tent nearby and take our meals at the camp; can we do so without being in charge of a registered guide?"

Ans. "Certainly, if you do not build fires on wild land."

Ques. "An article in the New York Sun says, 'A provision of Maine's game law compels every party that visits the state for the purpose of hunting or fishing to employ at least one guide?'"

Ans. "This is all wrong. I repeat again that our law simply provides that from May to November, both inclusive, non-residents, when camping and kindling fires on wild lands, must be in charge of a registered guide; in other words, if they do not camp and kindle fires on wild lands they do not require a guide. This seems to be easily enough understood."

Ques. "May a person who is stopping at a registered camp paddle off for a day's fishing without a guide, and, not desiring to return to dinner or other meal, may said person build a fire and cook a meal?"

Ans. "You can paddle your own canoe as much as you choose, or fish or hunt or tramp alone, but you must not camp or build a fire on wild lands unless in charge of a registered guide."

---

Indians have no more rights in hunting or fishing than a white man.

There are no game preserves in Maine and cannot be under our laws. Fishing and fowling is free. It is trespass to go upon cultivated or inclosed lands to hunt or fish.

### HINTS TO GUIDES.

What is it to engage in the business of guiding? These words, "engage," "business," and "guiding," must be given their ordinary meaning obviously; "to engage" in anything, means to "procure or secure" for some special purpose, as to engage in business, trade, engage in a business or pursuit.

"Business" means a pursuit or occupation that employs or requires energy, time, thought, profession, calling, attention, application, accuracy, method, punctuality, fidelity and dispatch are the principal qualities required for the efficient conduct of business.

"Guide, guided, guiding." The meaning of the word "guiding" has come to be so well understood that no definition need here be given.

A person having a friend visit him, who goes fishing with him, rows a boat, or goes hunting with him, is not engaging in the business of guiding, and does not require a license if he is not paid for this work.

A person might guide one day, or on a short single trip, and take pay for it and still not be liable for guiding without a license, but if he holds himself out as a guide, or makes it a part of his business, he must be licensed.

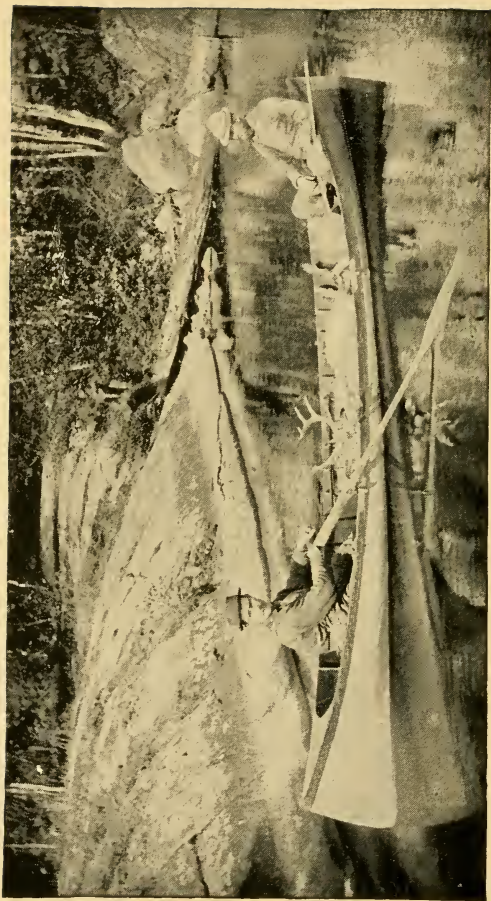
Guides should provide themselves with all necessary equipment usually furnished by our best guides, such as dry, comfortable boats, or canoes, cooking utensils, etc., and should look thoroughly after the comfort and pleasure of their patrons. They should make every effort to inform themselves about the habits of game and fish and where they can be found in greatest abundance at different periods of the open season. They should also inform themselves, as far as possible, upon the general subject of sporting interests in order to converse intelligently with their employers. They should not lead the conversation but always be ready to answer all questions relating to their profession and take part in general conversation when solicited. A guide should always be careful not to intrude his presence when not requested, or to volunteer remarks or advice to visitors, unless directly connected with the business of guiding.

Coarse, profane and vulgar language in the presence of sportsmen is very objectionable to them, as a rule, and is liable to affect a guide's business very materially, and therefore should be guarded against.

A popular guide is one whose services are always in demand. What gives him such popularity is because he is always on the alert and studying how he can please his employers and make their visits more pleasant and agreeable. On the other hand, if you try to see how little work you can do without causing your employers to find fault, seldom anticipating the ordinary wants of the tourist, frequently not ready at the appointed time for a start, sometimes almost imposing on the novice sportsman, you will soon become an unpopular guide and have employment only a part of the season.

Always be careful about speaking in a derogative manner of any sportsman or visitor, whether they have





RETURNING FROM THE HUNT.



employed you or not. Finding fault with sportsmen against whom you think you have some grievance, or whose ways or manners fail to please you, will not assist you in procuring engagements.

Sportsmen dislike very much to have guides talking about them in an uncomplimentary manner and will use their influence to prevent their making engagements with friends.

Good taste and sense of propriety should cause guides to be very careful in this respect.

Before retiring at night, be sure and ascertain what the plans are for the next day. If a fishing trip, have everything in readiness, such as live bait or worms if such are to be used, and also have lunch ready if dinner is to be taken away from camp so that there shall be no delay when your party is ready to start. A delay caused by any negligence on your part sometimes causes great annoyance. If fish are caught, the guide should, without being asked to do so, clean them in the neatest possible way on returning from the days' fishing, or meanwhile if opportunity offers.

Fish to be carried or transported any distance should never be "drawn." Better not be molested at all than "draw" them. They should be split open, the gills and entrails carefully removed, then thoroughly cleaned, wiped dry and wrapped in paper or hung in the ice house. No better way can be found to pack fish to transport than to thoroughly clean them, wipe dry, then wrap them in paper and pack in cool moss. Never allow them to come in contact with ice. Ice can be used in order to keep the package cool, but it should not come in contact with the fish.

Under our statutes any guide convicted of a violation of our Fish and Game Laws shall have his registration certificate canceled and be deprived of the right to do a guiding business for a year or more at the discretion of the Commissioners.

In addition to this, the Commissioners have established the following rulings with reference to guides, which, if violated, is liable to cause their registration to be cancelled unless there are very extenuating circumstances.

1. Failure to extinguish camp-fires, whether damage results or not.
2. Drunkenness when under employment as a guide.
3. Breaking an engagement with a sportsman or visitor when made in good faith.
4. Leaving a sportsman or visitor before completing an engagement, unless discharged.
5. Untruthful statements about Commissioners, Wardens or visitors, or untruthful reports about poaching being done, if made for the purpose of annoying either the Commissioners or Wardens, or to deceive the public.
6. Dishonesty or untruthfulness in dealing with sportsmen or visitors.
7. Failure to report, either to a Warden or the Commissioners, any flagrant violations of the Fish and Game Laws coming to their notice, and giving names of violators as far as known.

#### HINTS TO SPORTSMEN.

Sportsmen should treat their guides as honest, intelligent human beings. They are naturally sensitive and apt to resent any unmanly treatment very quickly.

Sportsmen are requested to report to the Commissioners the conduct of their guides, especially if they are well qualified and attentive to duty, or otherwise. All such communications will be regarded as confidential.

Sportsmen, guides and everybody else are requested to report all violations of the fish and game laws that come to their notice, giving names, dates and facts to the Commissioners. All such communications shall be strictly confidential.

Don't be careless. Don't shoot before you know what you are shooting at. Don't leave your camp fire until it is put out and you know it is all out. Read the law on these two points.

SKELETON COMPLAINT WHICH MAY BE  
INSERTED IN ANY WARRANT.

Form 1.

STATE OF MAINE.

County of .....ss.

To.....Esquire, a trial justice in and for the county of....., L. T.....of....., in the county of....., in behalf of said state on oath complains that.....C. D.....of.....in the county of.....on the.....day of.....A. D. 190 , at.....in the county of..... \*did unlawfully hunt, chase, catch, kill and have in possession one caribou and parts thereof,

\* against the peace of said state and contrary to the form of the statute in such case made and provided.

Wherefore, the said L. T.....prays that the said C. D.....may be apprehended and held to answer to this complaint, and be further dealt with relative to the same according to law.

Dated at.....in said county of.....this..... day of .....A. D. 190 .

Signature.

STATE OF MAINE.

County of.....ss. Then the above named L. T..... personally appeared and made oath to the truth of the above complaint.

Before me, .....Trial Justice.

WARRANT.

STATE OF MAINE.

County of.....ss.

To the sheriff of said county of....., or either of his deputies, and to either of the constables in any town in said county, or to any inland fish and game warden, (L. S.) Greeting:

You are hereby required, in the name of the state of Maine, forthwith to arrest and bring before me, the subscriber, a trial justice in and for said county, or to some other trial justice in and for said county, the said C. D. ....named in the foregoing complaint, which is referred to as a part of this warrant, to answer to said

state for the offense set forth in said complaint of said L. T....., this day made on oath before me, said justice; and to summon.....and.....both of said ....., to appear and give evidence touching the subject matter of said complaint when and where you shall have the respondent.

Given under my hand and seal at....., in said county of....., the.....day of.....in the year, A. D.....

.....Trial Justice.

No. 2. Taking game or birds on Sunday.

Follow No. 1 to first \*, then say "did then and there unlawfully hunt, chase, catch and kill one deer" (or one moose or one pair of game birds as the case may be) then close as in No. 1 from second \*.

No. 3. Catching trout in close time.

Same as No. 1 to first \*, then say "did unlawfully fish for and take one trout, (or 15 trout, as the case may be), the same not being blue back trout," then close as in No. 1 from the second \*.

No. 4. Exposing fish for sale in close time.

Same as No. 1 to first \*, then say, "did then and there have in his possession with intent to sell one land-locked salmon" (or one trout as the case may be), then close as in No. 1 from second \*.

No. 5. For catching trout less than five inches in length.

Same as No. 1 to first \*, then say, "did then and there unlawfully catch, kill, destroy, and have in possession one trout," (or one land-locked salmon, as the case may be), or whatever the number was, "less than five inches in length" for trout, or "less than nine inches in length" for land-locked salmon, or if more than one, "each of which was less than.....inches in length," then close as in No. 1 from second \*.

No. 6. For using a trawl, weir, hedge, trap, &c. in the capture of fresh water fish.

Same as No. 1 to first \*, then say, "did then and there unlawfully use a trawl" (or whatever the device may be), "for the capture of black bass" (or whatever the fish was), "and did then and there unlawfully capture 12 black bass with said trawl," (or whatever the device was), "from the.....pond, in said.....the same being a fresh water pond, and said black bass being fresh water fish," and close as in No. 1 from second \*.

No. 7. Having in possession short lobsters.

Same as No. 1 to first \*, then say, "did then and there unlawfully have in his possession 20 lobsters, each less than 10 1-2 inches in length, taking the length of the back of the lobster, measured from the bone of the nose to the end of the bone of the middle flipper of the tail, the length being taken with the lobster extended on the back, its natural length," then close as in No. 1 from second \*.

No. 8. Killing deer in close time.

Same as No. 1 to first \*, then say, "did then and there unlawfully kill, hunt, catch and destroy one deer," then close as in No. 1, from second \*.

No. 9. Hunting and killing deer with dogs.

Same as No. 1 to first \*, then say, "did then and there unlawfully hunt with dogs, and with them did kill and destroy one deer," then close as in No. 1, from second \*.

No. 10. Killing more than two deer.

Same as No. 1 to first \*, then say, "did then and there unlawfully kill and destroy and have in his possession between the first day of October and the fifteenth day

of December, to wit, on the.....day of November, A. D., 1900, three deer," then close as in No. 1 from second \*.

No. 11. Transporting carcass of deer killed in close time.

Same as No. 1 to first \*, then say, "did then and there unlawfully transport from.....to.....the carcass of a deer, which was unlawfully killed between the fifteenth day of December and October first, to wit on the.....day of September, 1900," then close as in No. 1 from second \*.

No. 12. Unlawful transportation of moose or deer.

Same as No. 1 to first \*, then say, "did then and there unlawfully transport part of a moose, to wit, the antlers of a bull moose from.....to....., the same not being open to view, or plainly labelled with the name and residence of the owner thereof, and not being accompanied by the owner thereof," then close as in No. 1 from second \*.

No. 13. Provision dealer selling deer at retail without a license.

Same as No. 1 to first \*, then say "then and there a provision dealer having an established place of business, at said....., and not having procured a license of the Commissioners of Inland Fisheries and Game to carry on the business of buying and selling deer, had 'n his possession three deer, and then and there sold the same at retail to his customers," then close as in No. 1 from second \*.

No. 14. Having jack light in possession in hunter's camp or lodge.

Same as No. 1 to first \*, then say "then and there in a certain camp, lodge, and place of resort for hunters, called....., unlawfully had in his possession a jack light, so called," then close as in No. 1 from second \*.

No. 15. Taking partridge, duck or other birds with snares, &c.

Same as No. 1 to first \*, then say "did unlawfully take one partridge (or duck or whatever the bird was) with a snare or trap, (or whatever the device may be)," then close as in No. 1 from second \*.

No. 16. For keeping a sporting camp, lodge, or place of resort without being licensed.

Same as No. 1 to first \*, then say, "did then and there unlawfully keep a sporting camp, lodge and place of resort for inland hunting and fishing parties, and not having procured a license therefor from the commissioners of inland fisheries and game," then close as in No. 1 from second \*.

No. 17. For engaging in the business of hunting and trapping without being licensed.

Same as No. 1 to first \*, then say, "did then and there unlawfully engage in the business of hunting and trapping the fur bearing animals of the state, said..... being an unorganized township and on the wild lands of the State, and not having procured a license therefor from the commissioners of inland fisheries and game," then close as in No. 1 from second \*.

No. 18. Guiding without a license.

Follow No. 1 as far as "in the county of.....," then say, "Did on the.....day of.....A. D. 190 , and on divers other days between said.....day of..... A. D. 190 , and the day of the signing of this complaint, at.....in the county of..... unlawfully engage in the business of guiding for inland fishing and forest hunting, and not being then and there a registered guide either for inland fishing or forest

hunting, and not having before engaging in the business of guiding as aforesaid caused his name, age and residence to be recorded in a book kept for that purpose by the commissioners of inland fisheries and game, and not having then and there procured a certificate from said commissioners setting forth in substance that he is deemed suitable to act as a local or a general guide either for inland fishing or forest hunting," then close as in No. 1 from second \*.

From the foregoing any complaint can readily be made for any violation of any of the fish and game laws. (Form of petition to close streams, lakes or ponds).

To the Commissioners of Inland Fisheries and Game, Augusta, Me.

The undersigned, residents, and taxpayers of..... in the county of....., respectfully represent that in our judgment the best interests of the State require that there should be additional close time on the following described waters, viz:.....

(Here fully describe them and state what action is desired).

We therefore ask that such action be taken by your board, after notice and hearing, as you shall deem best, in accordance with the statutes in such case made and provided.

Dated at.....this.....day of.....A. D., 190....

Name. Residence. Occupation.

Form of a petition for a fishway.

To the Commissioners of Inland Fisheries and Game, Augusta, Me.

The undersigned, residents and taxpayers of..... in the county of....., respectfully represent that .....of.....is the owner or occupant of a dam across.....river, situated in.....at .....that said river is frequented by land-locked salmon and (here name what other migratory fish), which dam prevents their passing up the river, and that there should be a fishway erected in said dam, so that said fish may pass up and along the river.

We therefore ask that such action be taken by your board, after notice and hearing, as you shall deem best, in accordance with the statutes in such case made and provided.

Dated at.....this.....day of.....A. D., 189....

Name. Residence. Occupation.

#### FEEES.

The fees for wardens and trial justices are the same in all fish and game cases as for sheriffs, deputy sheriffs, constables, and trial justices in other criminal actions.

No trial justice, or judge, or other officer of any municipal or police court shall demand or receive any fees for entertaining an appeal or taking a recognizance prosecuted in a criminal case.

The legal fees therefor may be taxed in a bill of costs, and certified and paid like other fees. R. S. Ch. 116, par. 29.

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When several warrants are issued by a magistrate where only one is necessary, he shall be allowed only the costs of one complaint and warrant. Sec. 17, ch. 132, R. S.

When the costs in a criminal case are paid to the magistrate as a part of the sentence, he may retain his fees, and pay over the other fees to the persons entitled thereto. Sec. 18, ch. 132, R. S.

A trial justice may hold court at his dwelling house, office, or other suitable place. R. S. ch. 83, sec. 15.

No court shall be held on Sunday.

A magistrate may adjourn an examination before him, from time to time, for not more than 10 days at a time. R. S., ch. 133, sec. 10.

## OFFICERS' FEES.

For the service of a warrant the officer is entitled to .....	.50
For service of a mittimus to commit a person to jail .....	.50
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For each aid necessarily employed, including expenses \$1 per day, and in that proportion for a longer or shorter time, and 4c. a mile for travel in going out and returning home.	
For the service of a subpoena in criminal cases....	.50
unless in special cases, when the court may increase the fees to what he judges reasonable.	
For attending court and keeping the prisoner.....	.75
for every 12 hours, and in that proportion for a greater or less time.	

Only one travel shall be allowed for any one warrant and no constructive travel; but if the same is served on more than one person, the travel may be computed from the place of service most remote from the place of return, with all further necessary travel in serving it. R. S. Ch. 116.

## WITNESSES FEES.

Witnesses are entitled to 12c. per mile one way and 50c. per day for travel and attendance at court.

Wardens may compel bystanders or onlookers to aid them in making an arrest when necessary. R. S. Ch. 80, sec. 56.

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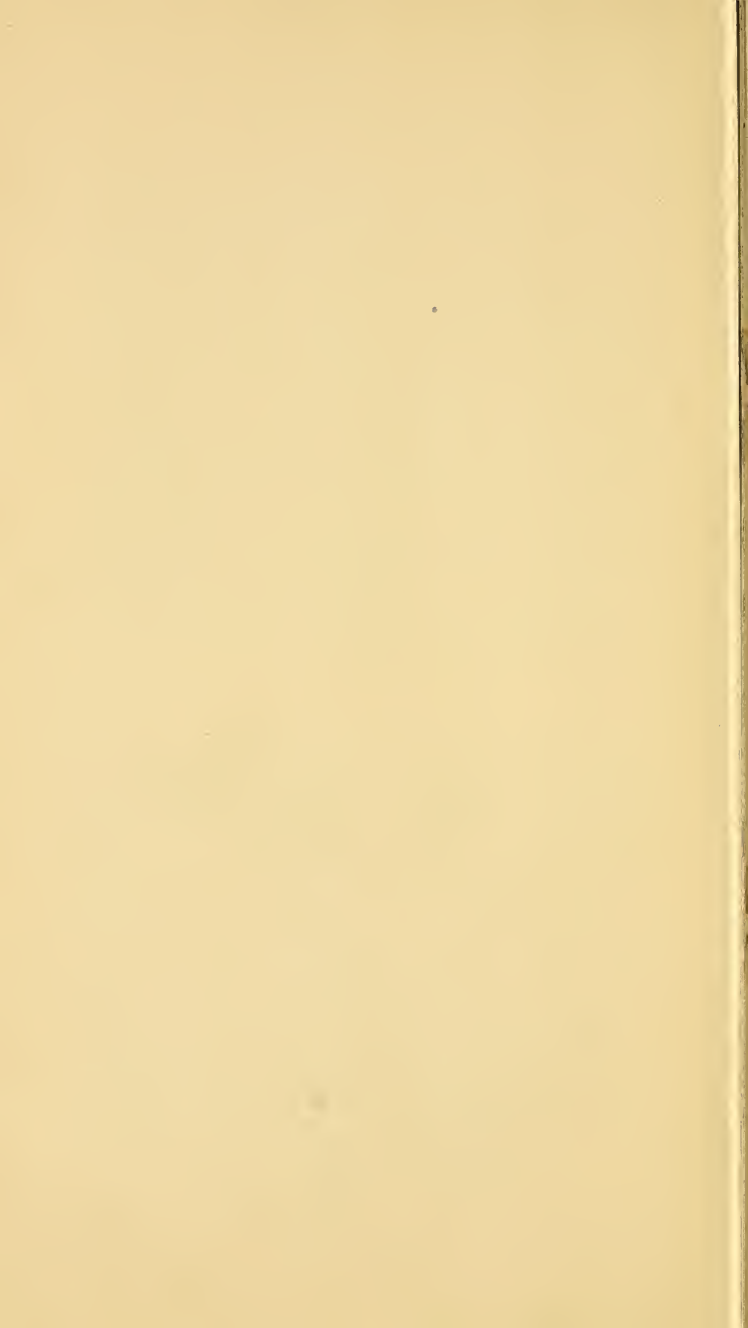
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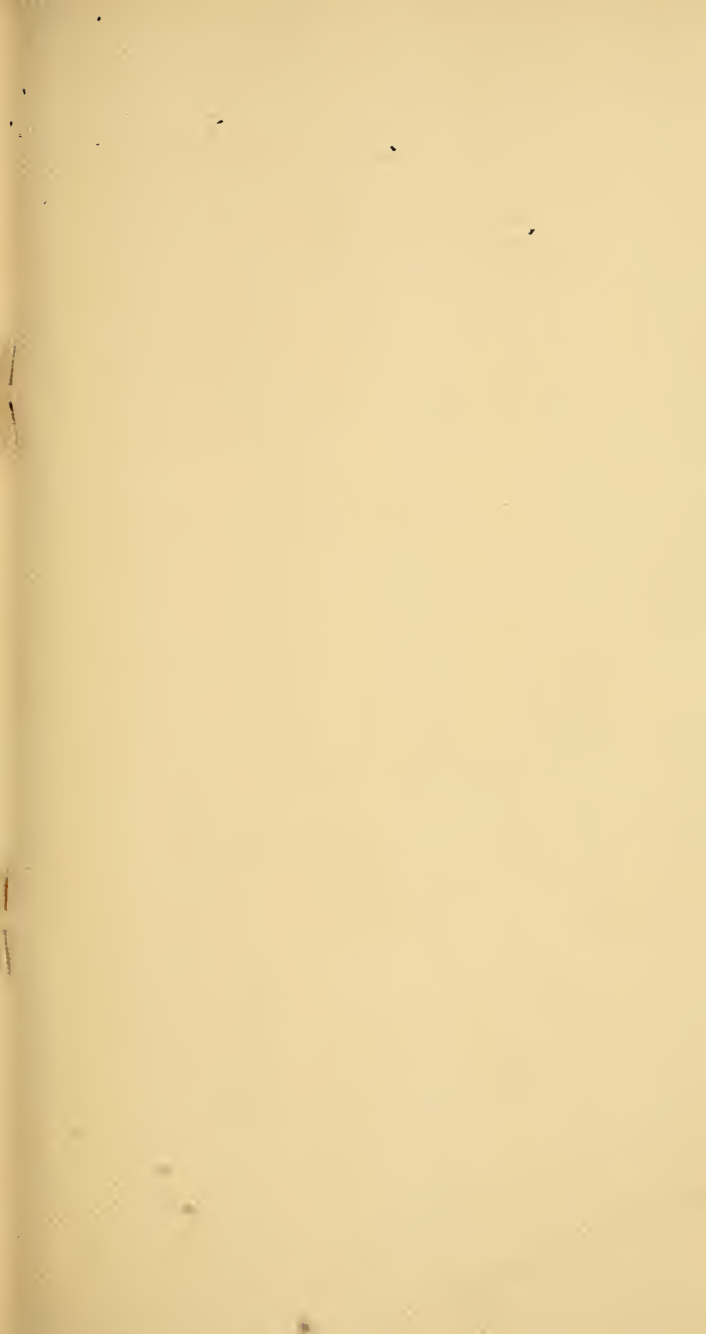


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